

# **Integrating Transgender Concerns In Schooling Processes**

**A MODULE FOR SCHOOL STAFF**

**Module**

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# **INTEGRATING TRANSGENDER CONCERNS IN SCHOOLING PROCESSES**

**A Module for School Staff**



**राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्**  
**NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING**

## **FOREWORD**

All through the years after Independence, policies in the country have been promoting a model of all-inclusive education in schools, where students of gender, religions, communities, classes, castes, with special needs and disabilities are given equal opportunity to get quality education. From time to time, there have been several steps taken, schemes introduced by the government, at times in mission mode, to mainstream girls, children of scheduled castes and tribes as well as other backward classes, minorities, economically backward classes, children challenged with different physical and mental disabilities, etc., into formal or non-formal education. Provisions were also made for Merit-Cum-Means scholarships, infrastructure facilities of hostels, other means for access, etc., in the school system to encourage inclusion of children of all diversity. However, there have been some challenges in the society as a whole and in the education sector in particular. Acceptance, inclusion and retention of transgender children in schools is a challenge and it needs to be addressed urgently. These children are neglected and excluded, which leads to many distortions and unfortunate situations.

*Kinners* or *Hijras* or the transgender were always considered to be an auspicious community as per the Indian traditions but in due course of time, their status saw a socio-economic downfall to an extent that the whole community was socially excluded. Their educational status also went down due to the social unacceptability. In recent years, a legal and constitutional route came to their rescue for their upliftment. There have been initiatives to mainstream them through education, skills, vocations and employment that were not followed by them traditionally. In the *National Education Policy 2020* too, transgender has been identified as a Socio-Economically Disadvantaged Group, which needs special attention and it recommends special funding provisions to help them gain access to education. It further reiterates the States to support and scale effective community-based interventions that address local context-specific barriers to female and transgender children's access to and participation in education (NEP 6.8).

There has been a huge barrier created in the society to accept the transgender individuals at par with their fellow beings – women and men in general and students particularly in schools. It has never been an easy task breaking such barriers, for which the society has to be sensitised, the school environment has to be prepared, teachers and other staff in the school have to be welcoming and lastly the students in the schools have to accept them for what they are!

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NCERT, being an apex organisation of school education in the country has always taken a foot forward to bring changes in the school system through various educational interventions of researches, development of textual, curricular and training materials to sensitise the teachers, school administrators, parents, students, etc. One such initiative is towards sensitising the schools sector to be inclusive of transgender children, especially after the constitutional provisions of 'The Transgender Persons (Protection of Rights) Act 2019', which extensively mentions about their inclusion through education. The Department of Gender Studies at NCERT has been working in this area by including this issue in the existing training materials, compiling data, case studies, reading materials, etc. At the same time, it has been felt that there is an immediate need for training not only the teachers but also all stakeholders of school education across all states and UTs for which a Module has been developed. This module addresses various challenges faced practically by school authorities, teachers as well as parents of transgender students, transgender students themselves and rest of the parents and students in schools.

This module is based on a whole school approach for an inclusive environment and also suggests different pedagogical strategies and school activities across all stages and school subjects. The Module has been developed with consultations from the educationists, key functionaries of school education, national level apex organisations like National Council of Transgender Persons (Ministry of Social Justice and Empowerment, Government of India), National Commission for Protection of Child's Rights (NCPCR) and National Human Rights Commission and transgender persons to bring in an effective impact in the system.

I am sure that this Module will be taken up by all the states, Union Territories and other concerned institutions to impart training to all the concerned on such an important aspect of education and will contextualise and customise it into their own milieu.

**Dinesh Prasad Saklani**  
**Director**  
National Council of Educational  
Research and Training

New Delhi

## **ABOUT THE MODULE**

### **CONTEXT**

Given that schools are the major change makers in the Indian education system, with close and regular contact with children, it becomes important to equip all the stakeholders to meaningfully engage with the emerging gender concerns. This module has been designed for addressing transgender concerns in an all-inclusive set up of the school system. Although there is a recognition of people with diverse sexualities and gender identities (including LGBTQIA+ communities), this module specifically focusses upon transgender persons. This requires sensitising teachers, principals, teacher educators, and school support staff as well as other stakeholders to integrate and effectively engage students with diverse gender identities. Therefore, the aim is to provide a conducive learning environment for all students. It also presents the specific issues that transgender students face and the focus areas which need to be addressed for their effective inclusion in school education. To that end, the module specifies various feasible institutional practices for schools. Given that the *National Education Policy 2020* has recognised teachers “at the centre of the fundamental reforms in the education system” (NEP 2020, p. 4), the present module has laid particular emphasis on the sensitisation of teachers and all other stakeholders on issues related to transgender children. It further aims to actively dispel any misconceptions/misinformation around the transgender community with specific reference to the individuals having socio-cultural identities as *kinner, hijra, aravani, jogta* and similar others. It is founded in the belief that the rights and dignity of each individual can be strengthened in the society with an inclusive belief system.

‘Transgender person’ means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as *kinner, hijra, aravani and jogta*.

[Transgender Persons (Protection of Rights) Act, 2019, p. 4]

Education of a transgender person is as important as any other person but the social stigma that a transgender person faces breaks their interest and focus towards their learning and they develop a feeling of being avoided, ignored and disgraced. Transgender students are often denied admission in educational institutions as the institution does not recognise their gender identities. To protect their rights, The Transgender Person (Protection of Rights) Act, 2019 provides that the educational institutions funded or recognised by government shall provide education, recreational facilities and sports for transgender person without discrimination. National Education Policy (NEP), 2020 mentions setting up of a Gender Inclusion Fund (GIF) to build the nation's capacity to provide equitable quality education for all girls as well as transgender students.

Keeping this in view, Department of Gender Studies, National Council of Educational Research and Training initiated collating different available materials, including literature and global initiatives, on inclusion of transgender concerns in schools. In the whole school system, it is not only the teachers and students who but many other stakeholders have been involved. They also include the Principal and administrative staff, ancillary staff, School Management Committee members, members from the community, local administration and even parents of children coming to school. Thus, this Module addresses them all and can be utilized in sensitizing them as well.

Before developing the Module many organizations were consulted-both governmental and non governmental working for transgenders' concerns. Some of the representatives of transgenders were also consulted during the process of developing the Module.

## **PURPOSE**

Schools have the potential to function as agents of societal change. They function as one of the major spaces for socialisation. Each child stepping into the school comes with different experiences and knowledge. Schools then become the spaces where differences among the individuals are seen as their uniqueness. While interacting with their peers, teachers, and the larger school community the children's potential can be harnessed collectively. It, then, becomes important to provide a conducive learning environment to each of the students. For the same, their uniqueness should be accepted and celebrated, instead of being seen as hierarchies of deficits/privileges. Among many differences gender becomes one of the substantial bases for differing experiences of individuals. However, gender is a social construct. Rather than identifying it in binaries, their fluid nature along a continuum

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of varied biological and sociological influences/factors should be foregrounded. The present module is specifically designed to integrate one such gender, the transgender within the ambient of schooling practices.

### **DESIGN**

The module is designed in two parts— Part-1 and Part-2, where each part has two sub-sessions. The module is targeted towards the school staff, which includes, the Principal, all teachers, administrative, non-academic and ancillary staff. This module can either be administrated in one day or may be broken into two days—of half day each. Part 1 of the Module is common for all the staff including academic, non-academic and administrative staff. Part-1 is about generating awareness among school staff about transgender, whereas Part-2 of the Module is only for the teachers and other academic staff in the school.

Part-1 has two general sessions aimed at sensitisation of all the stakeholders. Session 1, 'Transgender and the Social Ecology' is followed by a Session 2, 'Inclusive Environment for Transgender' in School. It further focuses upon school-related institutional practices for integrating transgender concerns. Part-2 of the module is specifically designed for the teachers. The two sessions are 'Practicing a Gender Inclusive Curriculum' and 'Classroom Specific Interventions'. Along with sensitisation, it explores some stage and subject-wise pedagogic practices, urging teachers to come up with their own innovative practices given their local contexts.

### **OBJECTIVES**

Though there is a recognition of people with diverse sexualities and sexual orientations including LGBTQIA+communities, the present module is specifically focussing upon transgender persons by birth. The module intends to facilitate the acceptance and seamless integration, specifically, of transgender children, both within schools and in the larger society. The purpose of this module is to sensitise teachers and all the stakeholders in a school system to create a safe, conducive, and inclusive learning environment for transgender children. To that end, the material is designed based on the whole school approach. The specific objectives are as follows:

1. Create awareness about existing biases and prejudices pertaining to transgender that are prevalent within a social context.

2. Identify the challenges faced by transgender students in schools.
3. Promote the use of pedagogical processes that are gender sensitive and inclusive, across various stages of schooling.
4. Encourage school leadership and community to be sensitive and accepting towards diverse or multiple gender identities.

It is visualised that this module will facilitate shaping the whole school practices to enable the integration of transgender students into the school system while simultaneously transforming classrooms into a safe and inclusive space for all students, regardless of their gender.

#### **WHO WILL CONDUCT THE TRAINING**

States will have to identify resource persons who can conduct the training sessions in the state and put them on the websites of education department, SCERT, board, etc.

These resource person will be from a pool of Master Trainers, who have been trained as school counsellors or gender educators or special educators for gender inclusion by a national or state level government body or a non-governmental organization identified by national or state agencies.

#### **GUIDELINES FOR CONDUCTING THE PROGRAMME**

The following are some roles, techniques and suggestions that facilitators ought to consider while undertaking the sessions.

- Plan, prepare and practice your session in advance.
- Be clear about the objectives of the session.
- Read the instructions for the facilitator thoroughly before the session.
- Make sure that the resources required for the session are available and handy. The resource includes space, electric supply, projectors (if using) and other material as per the requirement of the session and activities.
- Ensure involvement of all participants. Encourage them to actively participate, think, discuss and share their understandings.
- Frame short and simple questions to encourage discussions. Use open-ended questions such as: "What do you think about...?" "Why do you think...?"
- Create a safe and inclusive space for the participants, encouraging them to express their views and understandings.
- When a participant introduces a controversial point, try to separate facts from opinions.

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- Monitor the activities during the session. Ensure that the discussions and activities are in line with the objectives of the session.
- It may be noted that the activities are provisional in nature. States/schools have to conceptualise the practices deemed best to their specific contexts. Facilitators have the choice to conduct the activities deemed fit to their local contexts. They can also evolve their own activities.
- The sessions and activities for Part 1 are to be conducted with mixed groups of the participants i.e., groups having participants from different designations (principal, teachers, administrative staff and other non-academic staff), gender, subject and stage with which they are engaged in. Further, the activity groups in Part 2 of the programme which is specific for the teachers could be stage wise. It is suggested that such groups could also be subject specific, so as to have focused interactions.
- Assessment patterns to be used in the programme could be multifold. Facilitators need not assess all the activities which are part of the programme. Some activities are reflective in nature and can be self-assessed. Facilitators are to guide the participants, creating spaces for dialogues and practical experiences.
- Try to make the sessions interactive, interesting and comprehensible for the participants. It is advised that the facilitators use regional language for the presentations and follow-up activities.

## **COMMITTEE**

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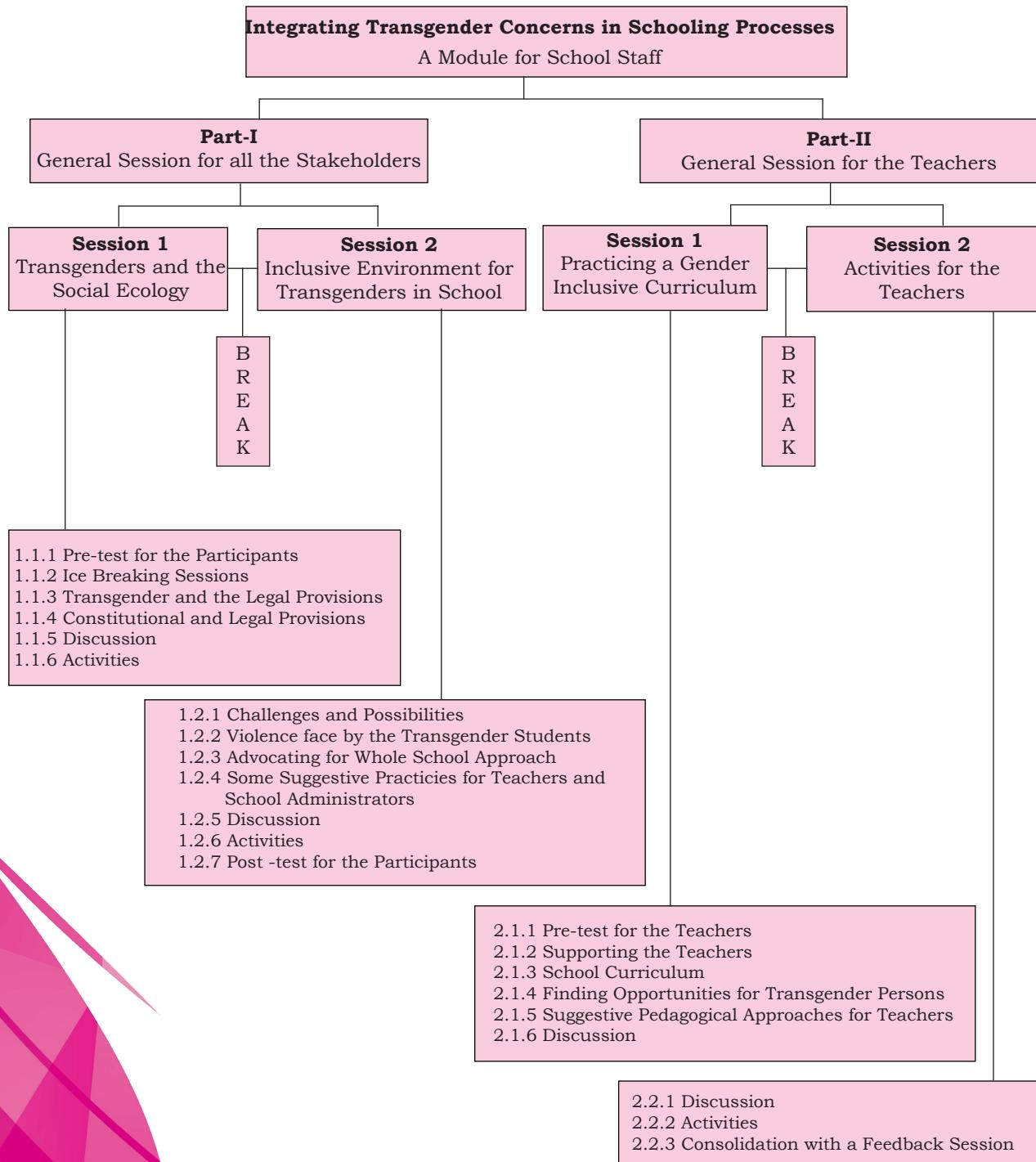
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### STRUCTURE OF THE MODULE



## **PART 1**

### **A GENERAL SESSION FOR ALL THE STAKEHOLDERS**

Part-1 of this module includes two general sessions for sensitisation of all the stakeholders, including teachers, principals, school administration, other non-teaching staff and community representatives from the school management committees (SMCs). Session-1 will provide the participants a broad idea of transgender concerns, its integration schooling practices, constitutional and legal provisions for the transgenders along with the infrastructural and social ecology that could be created for a gender inclusive society at large. It is followed by Session-2, which focusses attention on school specific institutional practices that could be integrated in the school curriculum while working for gender inclusivity.

The following table illustrates the framework of Part-1 along with its time allocation within the session.

<b>Session-1: Transgender and the Social Ecology</b>	
Pre-test and an Ice-breaking Session	10 minutes
Presentation	10 minutes
Discussion	15 minutes
Activities	45 minutes

**Break 5 Minutes**

<b>Session-2: Inclusive Environment for Transgender in School</b>	
Presentation	20 minutes
Discussion	5 minutes
Activities	40 minutes
Post-test	10 minutes

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## SESSION 1

# TRANSGENDER AND THE SOCIAL ECOLOGY

This session begins with a brief pre-test of the participants as an introductory activity, followed by an ice-breaking session. Presentation and discussion on sensitisation towards transgender concerns will take up the session forward. By the end of the session, participants would participate in group activities to further engage with the content.

### 1.1.1 Pre-test for the Participants 5 Minutes

Before getting started with the session the participants can undertake the following pre-test. It is a brief brainstorming activity to understand the participant's orientation towards transgender concerns.

#### Tick the Applicable Box

Statement	Yes	No	Don't Know
Transgender persons are like any other person.			
All transgender persons have the potential to grow holistically and contribute towards societal growth.			
Would you feel uncomfortable in the company of a transgender person?			
Transgender persons might be facing discrimination within various domains of our society			
There are Constitutional and legal directives for ensuring inclusive spaces for varied gender identities in our country.			
School students lack the ability to identify, articulate and express their gender identity.			

**Note:** Facilitators need not evaluate participant's responses. However, they can ask them to briefly share their thoughts to get a general understanding of the same.

**1.1.2 Ice-breaking Session***5 Minutes*

Facilitators can initiate a brief discussion on the everyday interactions with transgenders. Participants could be asked to share any of their experiences encountering the transgenders. Some of the prompts for this discussion are as follows:

- During celebrations, local festivals, rituals or cultural events;
- At public places like streets, traffic light junctions, market places and other public spaces;
- Their portrayal in epics, folklores, stories, sculptures and other artworks.

These discussions could be facilitated by organising a short audio/video presentation, given the available resources in the local context. Snippets from documentaries, movies, interviews, news or any other relevant audio-visual or print content could be presented followed by a discussion on the same. The aim is to initiate a dialogue among the participants and bring to fore their experiences with transgenders and understanding of transgender concerns.

**1.1.3 Transgender and the Legal Provisions****A Note for the Facilitator***Presentation: 10 Minutes**Discussion: 15 Minutes*

Facilitators can briefly discuss the various constitutional and legal provisions provided in this section. The extent to which these provisions have to be discussed can be decided by the facilitators. Annexure-1 contains the presentation points, that could be used for discussion.

Diverse gender expressions have a long history of visibility and acceptance in India. This has been documented in various art forms, multiple texts of ancient period including epics of Ramayana and Mahabharata. It continues to find its place during medieval and modern periods. Transgender persons were identified in recognisable positions in the society and many of them occupied respectable positions. The Vedic literature has distinguished humans as belonging to three natures or threeprakritis — *purush-prakriti* (male), *stri-prakriti* (female), and *tritiya-prakriti*. It is only during the colonial period that transgender persons, along with many other tribes and castes who earned their living by travelling and entertaining people were categorised as criminals under The Criminal Tribes Act of 1871. The discrimination against transgenders continued even in the post-colonial era, under Section 377 of the Indian Penal Code until 2018. After much

deliberations and discussions with multiple stakeholders in the society the Transgender Persons (Protection of Rights) Act, 2019 came into existence.

According to this Act, “*Transgender person*” means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as *kinner, hijra, aravani and jogta* [Transgender Persons (Protection of Rights) Act, 2019, p. 4].

Further, as per this Act, Inclusive education means a system of education wherein transgender students learn together with other students without fear of discrimination, neglect, harassment or intimidation and the system of teaching and learning is suitably adapted to meet the learning needs of such students (Transgender Persons (Protection of Rights) Act, 2019, p. 3).

This module focusses upon creating inclusive educational ecology for individuals with intersex variation who are recognised with different socio-cultural identities, such as *kinner, hijra, aravani, jogta* and similar others.

#### **1.1.4 Constitutional and Legal Provisions**

There are Constitutional and legal directives for ensuring inclusive spaces for all gender identity including transgenders. The various provisions are discussed briefly for building a perspective for all the stakeholders. A few samples of presentation slides are given in Annexure-1, which could be further elaborated upon and used by the facilitators during the presentation. Some mandates in detail could also be found in the following annexures for the facilitator and participants for reference.

##### **Constitutional Rights and Principles**

**Right to Equality** is our fundamental right conferred by the Constitution of India. Article 14–16 grants Equality before Law, Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth and Equality of opportunity in matters of public employment. Article 15(1), 15(2) and 16(2) in explicit terms prohibits discrimination on the grounds of sex.

**Right to Freedom** including Article 19—Protection of certain rights regarding freedom of speech, etc., Article 20 Protection in respect of conviction for offences and Article 21—Protection of life and personal liberty confers everyone irrespective of religion, race, caste, sex or place of birth right to life, wherein no one shall be arbitrarily deprived of life.

**Under Directive Principles of State Policy** Article 41 of the Constitution of India directs the States to make effective provision for securing the right to work, education and public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want within the limit of its economic capacity and development.

**Link:** <https://legislative.gov.in/sites/default/files/COI.pdf>

### **Yogyakarta Principles, 2006**

These are Principles on the application of international human rights law in relation to sexual orientation and gender identity. It states that 'sexual orientation and gender identity are integral to every person's dignity and humanity and must not be the basis for discrimination or abuse'. Some of the principles are as follows:

- Undertake programme of education with the full enjoyment of human rights by all persons irrespective of sexual or gender identity.
- Take all necessary legislative, administrative and other measures to ensure equal access to education, and equal treatment of students, staff and teachers within the education system, without discrimination on the basis of sexual orientation or gender identity.
- Repeal all forms of crime that have the purpose or effect of prohibiting consensual sexual activity among persons of the same sex who are over the age of consent and, until such provisions are repealed, never impose the death penalty on any person convicted under them.
- Take all necessary legislative measures to impose appropriate criminal penalties for violence, threats of violence, incitement to violence and related harassment, based on the sexual orientation or gender identity of any person or group of persons, in all spheres of life, including the family.

**Link:** <https://yogyakartaprinciples.org/>

### **Right to Education Act, 2009**

The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), is an Act of the Parliament of India enacted on August 4, 2009, which describes the modalities of the importance of free and compulsory education for children between 6 and 14 in India under Article 21a of the Indian Constitution. The Act makes education a fundamental right of every child between the ages of 6 and 14 and specifies minimum norms in elementary schools.

- It states that, “every child of the age of six to fourteen years, including a child “child belonging to disadvantaged group” (referred to in clause (d) of Section-2) or “child belonging to weaker section” (clause (e) of Section-2), shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education (Section-2, p. 4).
- The Act also provides that “no child shall be held back, expelled, or required to pass a board examination until the completion of elementary education” (Sub-section-16, p. 8).
- It identifies the duty of the local authorities to “ensure that the child belonging to the weaker section and the child belonging to the disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds” (Sub-section-9(c), p. 7).

**Link:** [https://legislative.gov.in/sites/default/files/A2009-35\\_0.pdf](https://legislative.gov.in/sites/default/files/A2009-35_0.pdf)

### **Protection of Children from Sexual Offences Act, 2012 (POCSO)**

In order to effectively address crimes of sexual abuse and sexual exploitation of children, the Ministry of Women and Child Development introduced the Protection of Children from Sexual Offences (POCSO) Act, 2012. The Act has been enacted to protect children from offences of sexual assault, sexual harassment and pornography with due regard for safeguarding the interest and well-being of children. It provides for establishment of Special Courts for trial of such offences and related matters and incidents.

The Act was amended in 2019, to make provisions for enhancement of punishments for various offences so as to deter the perpetrators and ensure safety, security and dignified childhood for a child. The Act is gender neutral and regards the best interests and welfare of the child as a matter of paramount importance at every stage so as to ensure the healthy physical, emotional, intellectual and social development of the child.

- The Act defines a child as “any person below the age of eighteen years” (Sub-section-2, p. 3).

- It states that “whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine” (Sub-section-8, p. 6).
- It also prohibits ‘use of a child in any form of media for the purposes of sexual gratification’ (Section-3, p. 8).
- For the purposes of providing a speedy trial, it states that ‘the State Government shall designate for each district, a Court of Session to be a Special Court to try the offences under the Act’ (Section-7, p. 11).
- Further, it states that any offence under this Act if likely to be committed or someone has the knowledge that such an offence has been committed, it has to be mandatorily reported, either to the Special Juvenile Police Unit or the local police.

**Link:** [https://legislative.gov.in/sites/default/files/The%20Protection%20of%20Children%20from%20Sexual%20Offences%20Act%2C%202012\\_0.pdf](https://legislative.gov.in/sites/default/files/The%20Protection%20of%20Children%20from%20Sexual%20Offences%20Act%2C%202012_0.pdf)

### **National Legal Services Authority Judgement, 2014 (NALSA)**

This landmark judgement ensures the rights of transgender persons and is popularly known as the NALSA Judgement. The transgender community, through various writ petitions sought for a legal declaration for their identity and rights in the country. These petitions essentially raised the issue of ‘Gender Identity’, which has two facets, viz. right to self-declaration of the gender identity, regardless of the state of one’s body and the right to be identified and categorised as a ‘third gender’ for the transgender, who are neither males nor females.

- Thus, it recognises the gender identity that the person self-determines irrespective of their anatomy/physiology, and calls for the State to recognise their self-declared gender identity, since non-recognition denies protection under the law and leaves such persons vulnerable to harassment, violence and sexual assault in public and private spaces (like restaurants, cinemas, shops, malls, etc.) (Section-55; p. 61-62).

- In the same thread, the Court further imparts protection from discrimination in all spheres of society, especially in the field of employment, education, healthcare, etc. The judgement further interprets the right to equality (enshrined in Article 14 of the Indian Constitution) of “any person” (p. 61) emphasising that the definition of person is not restricted to only ‘male’ and ‘female’ persons.
- It states, “Article 14 does not restrict the word ‘person’ and its application only to male or female. *Hijras*/transgender persons, who are neither male/female fall within the expression ‘person’ and, hence, are entitled to legal protection of laws in all spheres of State activity, including employment, healthcare, education as well as equal civil and citizenship rights, as enjoyed by any other citizen of this country” (Section-54; p. 61).

**The judgement further declares reservation rights with respect to education:** in Section 129 sub-section (3), it says, “We direct the central and the state governments to take steps to treat them as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments” (p.109–110).

- Therefore, it is imperative that schools as institutions are made conducive to holistic development of children who may identify themselves as gender non-conforming or as transgender persons at any point in their life.
- The Hon’ Supreme Court of India also took cognizance of lack of access to public toilets that transgender persons face as an impediment of the principle of equality before law and a violation of the Article 14 of the Indian Constitution (Section-55; p. 61–62).
- The same Section also directs the central and state governments to take steps for framing various social welfare schemes for their betterment (sub-section 7).
- Many such schemes are now in existence or are undergoing steps of formulation For example, scheme SMILE by the Ministry of Social Justice and Empowerment and SWEETRUTI scheme for promotion of transgender equality and justice by Odisha Government.

**Link:** <https://translaw.clpr.org.in/wp-content/uploads/2018/09/Nalsa.pdf>

### **The Juvenile Justice (Care and Protection of Children) Act, 2015**

The Act associated with the Ministry of Women and Child Development seeks to address children below 18 years of age. The Juvenile Justice Act, 2015 is meant for children who are alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established under the Act.

It further states that, “No report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child...” (Section-74; p. 32).

The Act also states that, “Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or wilfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, shall be punishable with imprisonment for a term which may extend to three years or with fine of one lakh rupees or with both” (Section-75; p. 32).

Some of the general principles to be followed in administration of Act include,

- Principle of presumption of innocence;
- Principle of dignity and worth;
- Principle of equality and non-discrimination, and;
- Principle of non-waiver of rights.

**Link:** [https://legislative.gov.in/sites/default/files/A2016-2\\_0.pdf](https://legislative.gov.in/sites/default/files/A2016-2_0.pdf)

**Transgender Persons (Protection of Rights) Act, 2019**

The Transgender Persons (Protection of Rights) Act, commonly called the Transgender Persons Act, came to existence on December 5, 2019. It aims at ending discrimination of transgender persons by focussing on inclusive education, which it defined as, “A system of education wherein transgender students learn together with other students without fear of discrimination, neglect, harassment or intimidation and the system of teaching and learning is suitably adapted to meet the learning needs of such students” (p. 2).

- It identifies ways of discrimination as “denial of access”, “discontinuation”, “unfair treatment”, “termination from occupation”, and “removal from government or private establishment”. Thus, by defining inclusive education explicitly in the context of transgender persons and by strictly prohibiting discrimination of any kind on any ground, the Act sets the agenda to mainstream the transgender persons in the society and offer them a life just like any other person.
- In Section 13, it further states, “Every educational institution funded or recognized by the appropriate Government shall provide inclusive education and opportunities for sports, recreation and leisure activities to transgender persons without discrimination on an equal basis with others” (p. 5).
- The Act, through its Sections: 5, 12(1) and 13, takes into its fold not only transgender adults but children too. As Section 12(1) says, “No child shall be separated from parents or immediate family on the ground of being a transgender, except on an order of a competent court, in the interest of such child”. The same section also states the right of children to stay with their parents or immediate family members and to live without discrimination (Section-12 (2); p. 4).

While the Chapter-3 (Section-4.2) of the Act upholds the NALSA Judgment by granting transgender persons the “right to choose their identity” stating that, “A person recognized as transgender under sub-section (1) shall have a right to self-perceived gender identity”, under Section-6 of the Act, a procedure for the issue of certificate of identity for transgender persons has also been laid.

- Specified rules under this provision state that it will be “without any medical or physical examination”. This is a significant relief for the transgender persons as it saves them from unnecessary harassment.
- It also mandates the District Magistrate to concurrently issue a transgender identity card, which should be included in the Right to Public Services Act.
- Moreover, the Act also provides for a Revised Certificate which allows for any transgender person who changes their gender into female or male after undergoing surgery to change their gender in the document. In seeking identity documents for transgender children, it holds parents responsible for seeking the certificate of identity for their children.

**Link:** <https://socialjustice.gov.in/writereaddata/UploadFile/TG%20bill%20gazette637631764960930587.pdf>

### **Role of Various National Bodies**

#### **Human Rights Commission (NHRC), 1993**

NHRC functions to promote and protect human rights which encompass rights relating to life, liberty, equality and dignity of individuals guaranteed by the Constitution of India or international agreements and is enforceable by courts in India. Apart from enquiry into complaints of violation of human rights, the Commission also studies international systems and arrangements on human rights and makes recommendations to the Government. It is further responsible for spreading of human rights awareness amongst the masses and encouraging the efforts of all stakeholders in the field of human rights literacy.

#### **National Commission for Protection of Child Rights (NCPCR), 2005**

NCPCR emphasises upon the inviolability of child rights and recognises the tone of urgency in all the child-related policies of the country.

For the Commission, protection of all children in the 0 to 18 years age group is of equal importance. It policies define priority actions for the most vulnerable children including focus upon regions that are backward or on communities or children under difficult circumstances. One of its functions is to look into the matters relating to the children in need of special care and protection including children in distress, marginalised and disadvantaged children. It also looks into the factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation.

Understanding the sensitivity of the issue that children not being comfortable to voice out their concerns openly, NCPCR has taken an initiative to give voice to children and help them through an online complaints box designed for reporting cases of child sexual abuse, named “POCSO e-Box”. The link for the same is <https://ncpcr.gov.in/pocso/public/>

Ebaalnidan is also an online complaint management mechanism of NCPCR for lodging complaints of violations of child rights. The link for the same is <https://ncpcr.gov.in/ebaalnidan/>

- Further different states have also in place State Commissions for Protection of Child Rights.

#### National Council for Transgender Persons, 2020

As directed by the Transgender Persons (Protection of Rights) Act, 2019 the Central Government has constituted a National Council for Transgender Persons. Some of its function is to advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender persons and its evaluation. It also redresses the grievances of transgender persons.

### **Scheme SWEEKRUTI, 2017**

The scheme for promotion of transgender equality and justice was initiated by the Social Security and Empowerment of Persons with Disabilities (SSEPD) Department, Government of Odisha in the year 2017. It recognises transgender persons as 'valuable human resource and seeks to provide them with equal opportunity, protection of rights and full participation in society' (SWEEKRUTI, 2017). The scheme makes available a range of services necessary for rehabilitation of transgender persons. Some of the provisions are as follows:

- Assistance to parents of transgender students
- Pre and Post Matric Scholarship
- Personality Development
- Skill Upgradation Training
- Self-employment
- Self-help Group
- Sensitisation of Workers and Activists
- Community Awareness

A detailed layout of the assistance provided to the parents of transgender students and scholarship provisions by the SWEEKRUTI scheme is mentioned in the Annexure-6.

Similar schemes could be formulated by other states, spreading the support and provisions for the transgender community. Furthermore, school authorities and teachers need to be aware of such provisions to be able to support their transgender students.

**Link:** <https://ssepd.gov.in/system/download/Scheme%20for%20TG%20-%20Final.pdf>

### **National Education Policy (NEP) 2020**

The National Education Policy 2020 specifically recognises transgender individuals also among the Socio-Economically Disadvantaged Groups (SEDGs) that have been historically underrepresented in education as such, all the provisions made in the policy for SEDGs also become applicable for the transgender students. It has emphasised on sensitising the various stakeholders in the Indian education system by categorically stating that, "All participants in the school education system, including teachers, principals, administrators, counsellors, and students, will be sensitized to the requirements of all students, the notions of inclusion and equity, and respect, dignity, and privacy of all persons" (p. 28).

The policy document takes into account that “While overall enrolments in schools decline steadily from Grade-1 to Grade-12, this decline in enrolments is significantly more pronounced for many of these SEDGs,” (Section-6.2; p. 24). Of the many recommendations made by the Policy on curtailing the drop-out rates, what is of particular significance for transgender children is that alternative and innovative education centres will be put in place in cooperation with civil society to ensure bringing back children who have dropped out of school due to various circumstances into mainstream education. Moreover, by carefully tracking all students for their participation and learning levels, the problems faced by transgender students in the education system may also be brought to the forefront and lead to tailor-made solutions.

Additionally, it talks about constituting a ‘Gender-Inclusion Fund’ (GIF) to provide equitable quality education for all girls as well as transgender students. This fund is to be made available to States “for assisting female and transgender children in gaining access to education (such as the provisions of sanitation and toilets, bicycles, conditional cash transfers, etc.); funds will also enable States to support and scale effective community-based interventions that address local context specific barriers to female and transgender children’s access to and participation in education” (Section-6.8; p. 26).

Attention to this fact assumes significance as education is regarded as the “single greatest tool for achieving social justice and equality” to build “an inclusive and equitable society in which every citizen has the opportunity to dream, thrive, and contribute to the nation”.

**Link:** [https://www.mhrd.gov.in/sites/upload\\_files/mhrd/files/NEP\\_Final\\_English\\_0.pdf](https://www.mhrd.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf)

### **Scheme SMILE, 2022**

Support for Marginalized Individuals for Livelihood and Enterprise (SMILE) is an umbrella scheme formulated by the Ministry of Social Justice and Empowerment on February 12, 2022. It includes sub-scheme—‘Comprehensive Rehabilitation for Welfare of Transgender Persons’. This sub-scheme has provision for Scholarships, Skill development

and livelihood, Composite Medical Health, Housing in form of Garima Grehs, Transgender Protection Cell, E-services and other Welfare Measures. One of the components of sub-scheme 'Comprehensive Rehabilitation for Welfare of Transgender Persons' under the SMILE scheme is Scholarships for Transgender Students. It provides financial assistance to the Transgender students studying in IX and up to post graduation level to enable them to complete their education.

**Link:** <https://transgender.dosje.gov.in/Applicant/HomeN>

### 1.1.5 Discussion

*15 Minutes*

The presentation is to be followed up with an interaction with the participants. Some broad questions for the interaction are as follows:

- Comment on something new that you learned through this presentation on the various Constitutional and legal provisions.
- Out of the various Constitutional and legal provisions shared so far, what all provisions you think you could use in your specific context as:
  - i. School head
  - ii. Teacher
  - iii. School administrator
  - iv. Other non-academic school staff
  - v. Parent
- Where and when do you think you can utilise the provisions shared so far?
- How do you think the various stakeholders should be equipped to engage and/or resolve issues concerning with gender identities including transgenders?
- Can you identify some spaces of intervention in your local context for sensitisation on transgender concerns given the Constitutional and legal provisions?

### 1.1.6 Activities

*45 Minutes*

#### A Note for the Facilitator

The following are some suggestive activities in which all the stakeholders can participate. Facilitators need to keep the materials required for the activities handy and distribute/share with the participants. Motivate the participants to participate and ensure that each participant is able to put fore their thoughts. During discussions identify the biases and pre-conceived assumptions of the participants (if any) and try to create a gender inclusive perspective. Share factual details during the discussions. Facilitators can also evolve similar activities on their own looking at the local context. More detailed activities can also be found in Annexure-2.

**Activity: Engaging with a case study**

Present an audio-visual or print material to the participants as a case study that deals with issues faced by transgenders. These material could range from snippets of documentaries, movies, relevant videos, interview sessions, television news, newspaper/magazine clippings, etc. The facilitators can decide upon the specific material they want to integrate in this activity. It is suggested that the material used for this activity be a recent and local event, with the assumption that some of the participants might be familiar with the same. It should be shared in the language the participants are comfortable with. Once the case study has been shared or presented to the participants, the facilitator can initiate a discussion around the following questions. More such questions could be evolved taking the discussion further.

1. What is the main issue discussed in the case study?
2. What could have been done differently to prevent such instances to happen in the future?
3. What would be your role if you find yourself in this event/situation as a:
  - (a) School head
  - (b) Teacher
  - (c) School administrator
  - (d) Parent
  - (e) SMC representative
  - (f) Non-academic school staff
  - (g) Responsible citizen
4. What Constitutional and legal provisions could be used to address this event/situation?

**Note:** Each participant is to share one response with the entire group. While having discussions participants can also write their responses on a paper, which could be given to the facilitator by the end of the discussion.

**Outcome:** By the end of the activity a repository of participant's responses would be formed, which could be utilised by the facilitator in planning and conducting future programmes.

**Activity: A Quick Recapitulation**

The following points could be discussed with the participants for a brief revision of the session. They could be asked to write down their answers before a general discussion with the entire group wherein they can share and discuss their answers with one another.

1. Which international document instructs states to impose appropriate penalties for violence based on sexual orientation or gender identity?
2. Which umbrella scheme incorporates housing provision termed 'Garima Greh' for transgender persons?
3. Which National Education Policy recognises and mentions transgender persons as socio-economically disadvantaged groups?
4. In which article an Indian citizen shall not discriminate against sex?
5. Mention any one role of any national body that protects individual rights.
6. Why do you think transgender concerns should be integrated in schooling process?
7. Why you think transgender concerns should be discussed in a school, irrespective of whether or not the school has transgender students enrolled?

**Note:** Try to relate your discussions with any of the Constitutional and legal provisions discussed in session one.

**Outcome:** The questions would help in the revision of information shared on Constitutional and legal provisions during the presentation.



## SESSION 2

# INCLUSIVE ENVIRONMENT FOR TRANSGENDERS IN SCHOOL

The following section deals with school specific institutional practices that could be integrated within the schooling practices. This session is specifically designed for teachers, principals, school administrators, other non-teaching staff and community representatives from the SMCs.

### 1.2.1 Challenges and Possibilities

#### A Note for the Facilitator

*Presentation: 20 Minutes*

*Discussion: 5 Minutes*

The following section discusses some practices that could be followed by different stakeholders within the schooling processes for creating a gender inclusive environment. Relevant points, suggestions, strategies and practices should be stressed upon and shared with the participants. Few discussions can be part of this section, inviting participant's inputs to make it more interactive and relevant for their local contexts. Annexure-1 further contains some specific practices for the stakeholders for creating such inclusive spaces.

The reinforcement of gender binaries in school structures, in terms of uniforms, use of toilets, participation in sports and extra-curricular activities, bullying and harassment for simply choosing to express themselves as opposed to social norms, are some of the glaring concerns raised by transgender persons when it comes to barrier in their education. When behaviours and expressions exist within the gender binary, they are seen as 'normal' and are treated as acceptable. In the case of children who do not conform to such binary roles, expressions, behaviour, etc., which typically associate with their assigned-sex and thereby gender; they are made to feel as 'abnormal'. Further, these expressions, behaviours, mannerisms, etc., draw unwarranted attention from others since they are not seen as 'normal' and lead to bullying and/or harassment, which makes it all the more difficult for transgender children to continue their education. This affects the childhood and adolescence of many transgender children due

to incidences at school, since these cases mostly go unreported due to the stigma attached. It often lead to discontinuation of their formal education or a drastic decline in their academic performances. It is seen that since transgender children cannot conform to the prevalent societal norms pertaining to gender, they fear rejection, and are often depressed, isolated and are forced to leave their natal families. These are some of the challenges they are confronted with due to the societal norms but they also have to deal with the internal challenges and confusions while coming in terms with their own sexuality and identity. Therefore, transgenders are confronted with multiple layers of trauma and challenges. As an individual it is important that we understand these challenges and are sensitive towards these concerns so as to create an inclusive space for each person.

There is a lack of the availability of a nationwide database on transgender children and adults in India. However, there have been various sources both primary and secondary, which shed some light on the vulnerability of transgender children in schools, from where some challenges faced by transgender persons in schools have been drawn upon. Some of them are as follows:

- Coming to terms with their own sexuality
- Internal challenges and confusions
- Emotional, behavioural, physical trauma due to changes/confusion leading to exclusion
- Various forms of violence including sexual abuse and molestation
- Use of washroom, uniforms, especially when children are confused about their identity
- Mocking, bullying and teasing
- Choosing a character/role in a school play, games or other activities in schools.

#### **How do I identify if a student of my school is facing such challenges?**

- The indications could be sociological, psychological, physical or behavioural
- Observe why the student is reserved/highly reactive
- In the clothing practices of the student



- While choosing a role in school play and the engagement in various school activities
- Issues while going to the designated toilets
- Repeated mocking, bullying and teasing by fellow students
- Being uncomfortable with certain peer groups
- Uncomfortable while addressed in gender binaries

It should be noted that this list of indicators is not exhaustive. These indications might be due to various other issues faced by the student within and outside the school environment. It is suggested that the teachers and other stakeholders interact with the student with extreme sensitivity while trying to understand the reason behind such behaviours.

#### **What can I do in such situations?**

- Each stakeholder might have to engage with the situation differently. It is suggested that you consult a professional like the school counsellor, teacher, school head or others.
- Be aware of the indications.
- Be very sensitive and cautious while engaging with the situation.
- Ensure the mental health and well-being of the student.
- Share with fellow colleagues, school heads or counsellors while trying to come up with a strategy. Remember that there are people to talk to and support available.
- Interact with the student's peer groups.
- Discuss with the parents.
- Address the issue to whatever extent it is possible, given your position as a stakeholder.
- Taking conscious steps to empower the student.
- Trying to realise the student to be comfortable with who they are.
- Creating an inclusive school environment where the whole school is sensitive towards these concerns.
- Sensitisation programmes with the school community including the parents.
- Tying up with nearby mental health centres where the professionals can engage with the school community and vice versa.

*Stakeholders can use the following helpline numbers for assistance:*

Childline: 1098

SAMVEDNA by NCPCR: 1800-121-2830

Helpline to address student's psychological issues: 844-844-0632

Mental Health Rehabilitation Helpline "KIRAN" (Ministry of Social Justice and Empowerment): 1800-500-0019

Anti-Ragging Helpline: 155222

Women's Helpline: 181

National Emergency Number: 112

**Note:** These numbers along with other emergency contacts can also be displayed in various forms within the school premises. School walls, notice boards, near washrooms/drinking areas and other such spots where the parents and students can take note of it. It could also be displayed in the school website and can be shared during various meetings among the stakeholders.

### **1.2.2 Violence faced by Transgender Students**

Students often experience and witness various forms of violence. Due to society's marked intolerance of gender nonconformity, those who do not conform to gender norms are more likely to suffer from violence as compared to other gender conforming students from an early age. It could be inflicted upon them within different contexts through various social interactions. These interactions could be with family members, school peers or society at large. It might include experiences of rejection within the process of seeking identification of their gender identity or asking to be called by the name they selected for affirming their gender identity. These are everyday yet profound events of experiencing violence by transgender persons. It needs to be noted that "homophobic and transphobic violence is also associated with poorer than average physical and mental health. The adverse effects on young people's mental and psychological health include: increased risk of anxiety, fear, stress, loss of confidence, low self-esteem, loneliness, self-harm, depression and suicide". (UNESCO 2016, p. 20).

Some of the forms of violence generally faced by students are given ahead, but the list is not exhaustive. Most of these remain unnoticed or unreported to the school authorities due to the stigma attached. These forms of violence might occur in interactions at



any stage or space (both private and public spaces) occupied by transgender persons. Schools inevitably become part of such spaces.

- **Physical Violence**

- is the physical interaction between two or more individuals with the intent to cause bodily harm due to their gender nonconformity;
- perpetrator might be an individual or a group of individuals from the wider society; and
- physical indicators of violence may include (but are not limited to) evidence of physical injury that is not likely to be the result of an accidental bruise or injury.

- **Sexual Violence**

- it can be understood as an experience of a sexual act (e.g., rape, unwanted touching, pressure or coercion to engage in sexual acts) committed against an individual without consent; and
- physical indicators of sexual abuse may include (but are not limited to) injury to the genital area or infection, injury to areas of sexualised body parts, such as breasts or buttocks.

- **Emotional Violence**

- violence could be understood as an abuse directed at a person or a group causing psychological distress;
- it might be intended to harm or humiliate the victim;
- verbal abuse reported during the crimes against transgender persons may include homophobic and transphobic slurs and languages;
- is mainly directed towards their gender and perceived identity, having grave psychological impacts affecting their everyday lives; and
- the use of verbal abuses based on homophobic and transphobic slurs and languages should be considered as unparliamentary.

To address these challenging issues related to multiple forms of violence there is a need to sensitise and make everyone aware about the complex consequences emerging out of these. It is a step towards achieving a positive outcome towards stopping

violence. Socialisation of individuals, their behaviours and actions, understanding of the society around them begins at a very early stage through imitation and observations. It is, therefore, important to proactively initiate a change at a young age so as to shape their attitudes and behaviours towards an inclusive, society. Schools can function as a space for initiating dialogues around inclusivity, where discussions can take place on violence. Schools indeed function as a space having potential for a positive transformation within the society. But, usually these spaces are the site of various kinds and forms of violence towards children including transgender children as mentioned above. It is the responsibility of the principals, teachers, and other academic/non-academic staff members within the school ecosystem to understand the vulnerability of students, especially transgender students facing various forms of violence and take actions to eradicate the same.

### **Violence in schools**

- it could take place within the classroom, school building (including corridors, laboratories, toilets), or on the ground/ play areas;
- such experiences could also occur outside the school premises, for example, while reaching/leaving from school or within the school dormitories and hostels; and
- can also be perpetrated by school and community members of any gender identity including teachers, students or other school staff members (peons, assistants, housekeeping staff, drivers, security guards and others); and
- although the consequences of violence for children may vary according to its nature and severity, the short- and long-term repercussions are often grave and damaging. It may result in irregular attendance of children; lower self-esteem, which further leads to social, emotional/and cognitive impairments; and health-risk including self-harm.

Labelling and teasing are also forms of violence that can leave children scarred for the rest of their lives. Sometimes, teachers also use labelling to acknowledge certain students. Labelling is based on certain assumptions and usually leads to low self-esteem, hindering the development and progress of the student. A report by UNESCO (2016) has highlighted that homophobic and transphobic violence against students on the basis of their actual or perceived sexual orientation and gender identity is a worldwide phenomenon with a significant and long-term impact on education, employment, health and well-being of the students (UNESCO 2016, p. 11).



### **Address labelling by:**

- ensuring a safe and inclusive school environment;
- establishing comprehensive policies to prevent and address any act of violence;
- providing training and support to teachers and other school staffs for ensuring prevention of gender specific violence;
- ensuring that curricula and learning materials are inclusive and provide authentic information on sexual orientation and gender identity; and
- creating provisions for gender audit as an institutional practice on a regular basis.

### **How are children impacted by witnessing violence?**

- Fearfulness, anxiety, clinginess
- Aggression, acting out (externalising feelings)
- Poor self-esteem, depression (internalising feelings)
- Regression to earlier developmental stage (temporary) e.g., bedwetting, thumb-sucking
- Hyper-vigilance
- Nightmares, sleep disturbances
- Emotional numbing, dissociation, spacing out
- Trust and boundary issues
- Feelings of anger, shame, helplessness, anxiety, confusion, guilt, sadness

### **Why do children hesitate to disclose violent encounters?**

- Do not consider it was serious or wrong
- Do not want parents or friends to find out
- Feel scared
- Fear of not being believed
- Are threatened by the perpetrator to not disclose to anybody and to keep the abuse a secret
- Feel guilty because they believe that the abuse is their fault
- Are confused because the offender is someone they know and trust
- Do not know that abuse is not okay
- Are scared of threats of bodily harm (to themselves and/or the family)
- Fear of being disowned by the family
- Young children may not have language/skills to communicate about abuse or may not understand that the actions of the perpetrator are abusive.

### **Transphobic Violence in Education: Some Initiatives by UNESCO**

UNESCO recognises that no country can achieve Sustainable Development Goal 4 (to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all) if students are discriminated against or experience violence because of their actual or perceived sexual orientation and gender identity. It also recognises the psychological and sexual forms of violence, in addition to physical violence and acts of bullying. In its report, 'Out in the Open' (UNESCO, 2016, p. 28) it was ascertained that school-related transphobic violence affects students' education, employment prospects and well-being. They are more likely to feel unsafe in school, miss classes or drop out. For example, in El Salvador, only 36 per cent of 100 transgender women interviewed for a 2012-2013 study completed their secondary school education, as a result of violence and exclusion; a survey conducted in 2013 in Australia demonstrated a high correlation between victimisation and lack of concentration in class, lower marks, and attendance for transgender youth; in Argentina, 45 per cent of transgender students dropped out of school; while in Canada, a 2015 study of transgender young people found that 55 per cent of the respondents had been bullied once or more during their schooling (UNESCO, 2016, p. 51). No such authentic data is available in case of India. The study, thus, revealed that transgender people are routinely denied access to school or are expelled and, therefore have a very low level of education. As such, the following interventions have been designed by UNESCO to curb gender-based violence:

- A pilot plan has been initiated in Thailand in 2015 to prevent school bullying and other forms of violence and to make schools more gender-responsive environment for all students regardless of their sexual orientation or gender identity/expression. The programme is designed to test embedding policies and practices into the curriculum and daily life of the participating schools (2016, p. 68).
- It has also supported a local organisation in Mexico to develop a manual to raise the awareness of teachers about issues related to sexual orientation and gender identity, homophobia and transphobia.



### **1.2.3 Advocating for Whole School Approach**

Historically, we had two kinds of education systems—one for students with disabilities (education at special needs schools) and the rest for students in schools that were considered to be 'normal' schools. The movement towards integrating children with disabilities into the regular classrooms started in the second half of the twentieth century. The trend at present is to create a unified education system that values all children. It envisions a classroom that welcomes all children irrespective of their caste, class, gender, sexualities, race, community backgrounds, ethnic backgrounds and abilities. But the inclusion of transgender students within the schooling practices still has a long journey to cover. Their gender and sexual identities make them subjected to discrimination denying them their basic rights. Right to Education Act, 2009 talks about universal education for all. Everyone belongs to the school. Everyone is welcome to the school. The Constitution of India ensures equality, freedom, justice and dignity of all individuals and implicitly mandates an inclusive society for all, including transgender persons. In the recent years, there have been significant changes in the perception of the society towards transgender persons. It has been realised that transgender persons can lead a better quality of life if they have equal opportunities and effective access to different social development services.

#### **(a) Inclusive Curriculum: Need and Significance**

When introducing transgender inclusive curriculum, it is best to do so collectively as a school community, led by the administrators and school leaders. It is recommended that this decision be communicated through gender specific professional development for educators and community members at the start of each academic year.

All students including transgender students deserve access to academic content that is accurate, fair and does not stigmatise them. Curriculum is central to the teaching and learning that occurs in an inclusive school. It has to do with the teaching and learning of knowledge, skills and attitudes. It refers to the totality of learning experience in and outside the classrooms.

Curriculum can be adapted in various ways, such as:

1. Adapting the material contents
2. Adapting teaching strategies

3. Adapting the level of support
4. Substituting the curriculum

Schools also provide students with opportunities for enrichment and personal development through intramural sports, clubs, and extracurricular activities and all students should be able to access these opportunities equally. Students should not be excluded from these integral components of school life just because they are transgender. Non-discrimination practices not only protect transgender students from separation and isolation in school facilities, but they also protect transgender students from being unfairly excluded from participating in activities after school and during school hours.

**(b) Ensuring Safety and Security of Transgender Students in School**

1. Creating safe washroom facilities.
2. Safe and secure residential facilities be developed for transgender children as per the need.
3. Access to appropriate restroom and locker room facilities. School, where a transgender student has been given admission will have to ensure that if the child doesn't feel comfortable in any of the toilets (Boys/Girls) in the school, a toilet may be assigned exclusively for transgender students as there are multiple toilets in schools. In case there is a toilet for CWSN students that can also be shared by transgender students, if they feel comfortable. School administration can also ensure that the locker provided to transgender students is in a well-lit and visible area.
4. Maintain official records.
5. Implement anti-ragging policies for the protection of transgender students.
6. Establish counselling centres for students including transgender students in every school.
7. Plan the physical education classes, intra-group sports and all inter-school activities to ensure the participation of transgender students.
8. Specific provisions should be made for health care of transgender students.
9. There is a need to create awareness programs in the school with the help of students and teachers. Community/parents

sensitisation should also be planned by the school leaders, counsellors, etc.

**(c) Creation of a Social Ecology: Requirements and Challenges**

Concerns raised by transgender persons include lack of support and acceptance from their natal families. In a study by the National Institute of Epidemiology across 17 states surveyed in 2016 on mapping and size estimation of transgender and trans-women populations, the findings reveal that a large percentage of the population received no support from their biological family. Needless to say, the stigma attached to transgender identity and the trauma of being perceived as 'who they are not' leaves a permanent scar or impact on their mental health, and often last well into adulthood. Another extreme step that some may take is self-harm, which might lead to suicide sometimes. It is crucial to understand that suicidal ideation may be a result of a yearning to get rid of pain, of feeling like a burden to family, of not being able to fit into societal expectations, of feeling lonely and depressed for a long time. It can also be due to constant bullying, which can cause transgender persons to develop extreme disgust and hopelessness with their situation. They may lose faith in themselves, and their self-esteem may be hurt in the process. In order to retain transgender children in education, it is important that they get a safe environment, both physically and emotionally, at school and home. School as agents of social change and creators of social ecology need to take big leaps and increase their impact beyond the school boundaries. Engagement with the community in the form of sensitisation sessions, in house activities, street plays (*nukkad natak*), etc., can be planned by the teachers, students and school staff for increasing awareness in the community and families.

**1.2.4 Some Suggestive Practices for Teachers and School Administrators**

**(a) Role of School Heads and Administrators**

Supportive administrators can support this work by addressing families of the transgender students directly. They should be open to hearing their questions, and be careful to distinguish questions or concerns from negative pushback. Inviting families/parents to a panel or film screening to discuss initiatives of diversity has helped many schools to involve families into this work, to address

questions directly, and to identify which families in the school community are allies in this work as well.

An example statement from administration could be, 'We are conscious of providing age-appropriate and developmentally-appropriate lessons and activities that meet all of our students where they are when addressing transgender visibility and inclusion. Our goal is to work together as one community through this practice. We encourage you to reach out to us or our teachers throughout the year if you have any questions or would like further information as we support our students in this important work'.

**(b) Suggestions for School Administrators for a Gender-Inclusive School Environment**

1. Outreach programmes through parent-teacher meetings and meetings with community leaders where discussions could be around gender diversity.
2. There should be no discrimination on the basis of gender while appointing various academic, non-academic and house-keeping staff.
3. Transgender teachers and other school personnel could be hired without gender-based discrimination.
4. Include transgender category in application forms and in all types of certificates for courses in the educational institutions.
5. Make provisions for scholarships for transgender students.
6. Special attention needs to be paid to the healthcare of transgender students, even more so for specially-abled/ Divyang transgender students.
7. Regular workshops may be conducted to make the staff aware of gender affirming policies and practices.
8. Trained counsellors should be provided to support transgender students. These children often face bullying, isolation and harassment mostly because of a variety of prejudices associated with their gender identity.
9. Some of the students, specially from Grade VI onward have preference for clothes, particularly school uniform. They do not feel comfortable in a particular dress. Schools can introduce gender neutral uniforms which are comfortable, climate appropriate, fit and does not conform to particular gender.



Such dresses may be designed by design institutes. Many of the schools have introduced pants and shirts that can suit any gender and they are comfortable for all school activities.

10. Orientation of key decision makers in school education on how SEDG status of transgender children as implied by NEP 2020 can be made advantageous for them.
11. The committees formed in schools to prevent bullying, ragging, child sexual abuse should have another term of reference as 'preventing gender-based violation' of schools. It is suggested here that the existing provisions of setting up the Committees in schools i.e Anti-bullying Committee and Grievance Committee on Child Sexual Abuse (CSA) may be utilized instead of a separate Committee and these may include transgender children from the school.
12. The committee can include representatives from transgender community (student of the school or any other) along with school counsellor and teachers. The committee can also act upon any complaints received in the complaint/suggestion box made available in the school premises to allow learners to report incidents pertaining to harassment or bullying that they may have experienced/witnessed.
13. The following is the link for the NCPCR's comprehensive Manual on Safety and Security of Children in Schools and Guidelines on School Safety and Security by Ministry of Education (2021).  
Safety and Security of Children in Schools: [https://schooledn.py.gov.in/download/forms/Manual\\_School\\_Safety\\_Security.pdf](https://schooledn.py.gov.in/download/forms/Manual_School_Safety_Security.pdf)  
Guidelines on School Safety and Security by Ministry of Education: [https://dse.education.gov.in/sites/default/files/guidelines\\_sss.pdf](https://dse.education.gov.in/sites/default/files/guidelines_sss.pdf)
14. The location of these boxes should be so decided that the identity of the complainant remains anonymous.
15. Counsellors can be engaged to address issues which require specialised counselling as a preventive or redressal mechanism.
16. Speakers, role models, police personnel, lawyers and socially active members of the society can be invited to generate awareness among students.

17. Ensure that all students, including transgender students are made aware of all the local/national emergency helpline numbers.
18. Movie sessions can be conducted in schools for students where a provision can also be made for the community members to access the same. Students and community members might themselves come up with suggestions which could be vetted and further screened during the movie session.
19. Transgender persons may be called as Special Guests/ Members of Committees for workshops on topics related to gender inclusion and sensitivity with special focus on transgender issues. A community gathering of SMC members could be organised wherein various gender perspectives ranging from legal rights to skill development could be discussed by the speakers. It could further facilitate discussion around authentic information about transgender people, their real-life stories, challenges and struggles as well as success stories. Schools can play a pivotal role in setting up such community meetings. Moreover, the meetings could include activity sessions with students for engaging them meaningfully.

#### **(c) Responding to Gendered Language and Behaviour**

There is a need to create awareness about the use of gender inclusive language. There has to be an organised effort to discourage and penalise (if need be) any such act by any stakeholder in the school and the community. Following are some of the suggestions; more can be evolved as per the need of the situation.

1. Address bullying, name-calling, or harassment immediately. Concentrate on stopping the behaviour at that moment. Sometimes it's a simple response to hearing a derogatory term like, "That language is unacceptable in this classroom." Remember: no action is an action.
2. Name the behaviour. Describe what you saw and label the behaviour. "That word is derogatory and is considered name-calling" or "That language is unacceptable."
3. Use the Teachable Moment (or create one). Make sure to educate after stopping the behaviour. Decide if you are going to educate in the moment or later, and if it will be publicly or privately. If you decide to educate later you will need to create the teachable moment. You can then take this opportunity to



teach one class, the entire grade or the whole school about language and behaviours that are acceptable and those that are not.

4. Support the targeted student. Support the student who has been the target of name-calling, bullying or harassment. Do not make assumptions about what the student is experiencing. Ask the student what they need or want. You will have to decide whether to do this in the moment or later, and if it will be publicly or privately.
5. Students who are responsible for indulging in such behavior, may be given some reformatory activity and school counsellor can be referred.

**(d) Role of the School Counsellors**

1. Counsellors should be appointed in every school or should be available at a school cluster level who could be approached should the need arise.
2. Counsellors should take counselling sessions and group guidance of life skills, communication skills, gender identity, professional development, personality development, motivational and career guidance on regular bases throughout the academic year.
3. Counsellors must organise workshops for increasing awareness among the school community. They should motivate students as well as teachers to approach them if the need arise.
4. While being respectful of the student's decision if they may not want to go public with their gender identity, counsellors could work with them to figure out the reasons behind such a decision and provide them with the necessary support and resources.
5. Organize various workshops on gender issues e.g., debates, discussions, talk sessions, video watching, games, etc., for a sustained engagement with gender issues. Such resources can also be shared within the cluster level.
6. A team of counsellors, gender coordinators and special educators could be formed for sensitisation and realisation sessions for all stakeholders. Few students and if possible, parents can also be added to such groups/committees.

7. It must be ensured that counsellor maintains confidentiality about the information shared by the child. Similarly, in times where the child shares information with teachers, careful assessment may be made about the manner as well as possibility (in some cases) of parents being informed as the probability of resulting domestic violence cannot be ruled out. This sharing/disclosure of information with anyone needs to be done with utmost sensitivity and care.

**(e) Celebration of Popular Cultural Days and Local Festivals**

The following strategies could be used for awareness around transgender issues for students. They could further be utilised for sensitising administrators, teachers and other staff members of the school ecosystem. It should be noted that the list is suggestive and is not exhaustive. The list could be further customised according to the celebrations specific to the local context.

**Republic Day (26th January)**— On this day we can have a mock parade in the school focusing upon unity in diversity. Along with regional/ethnic diversity we can focus upon gender diversity and include it in the parade.

**Van Mahotsav Activity (First week of July)**— In this activity we will call a transgender person who can initiate a plantation by planting the first sapling. We can tell the student that a plant irrespective of who is growing and nourishing it will continue to grow till its full potential with regular care. Similarly, every individual in our society has an ability to grow to their full potential provided they are given the opportunity for the same.

**Independence Day (15th August)**— We can call a transgender person for flag hosting ceremony in the school. By this we can create an awareness and respect for transgender persons among the school community along with the parents.

**National Unity Day (31st October)**— On this day we can celebrate the citizenship rights that every Indian irrespective of their gender is entitled for. We can remember the transgender persons and the role played by them in our national Independence struggle. They contributed to the collective struggle participating as spies or brave patriots.

**National Education Day (11th November)**— We can celebrate this day by organising various in- house programmes on the importance of education and how our education system have evolved over years prioritising themes like inclusion, creativity,



criticality, responsibility, spiritual growth among many others for education of each individual.

**National Constitution Day (26th November)**— On this day we can discuss our constitution that gives equal rights to everyone and why there are still challenges to achieve the same. We can present the legality of rights to the students in the form of skits, poems or stories. We can call a transgender person in our school. They can talk about their experiences, struggles, success stories and discuss the legalities of rights provided by our constitution along with laws, policies, provisions granted by the state.

**International Human Rights Day (10th December)**— On this day the foundations of human rights can be discussed with the students. It could be stressed that transgender persons similar to person with any other gender identity are entitled to the basic human rights.

**Celebration of Local Festivals**— We can celebrate the local festivals and cultural days inclusively by being conscious that no transgender person is discriminated or left out from the celebrations with dignity. Such inclusive celebrations would promote the understanding of their pious role in our society as individuals. It would provide an opportunity for all students irrespective of their gender to be equal and that we all have different identities which should be recognised and respected.

- We can motivate students to write a regular column for school magazine as part of monthly based CCA activities on transgender issues.
- Writing for example, columns, articles in school magazines or in online media resources are great way to express your opinion and spread awareness on transgender issues. Students could be motivated and helped in framing their writings by forming writing clubs.
- Summer/winter vacations could be utilised for creative workshops for students. These workshops could include their interaction with transgender persons, guest talks, activities like poster making, skit presentation, storytelling sessions on the theme of inclusion with a focus on transgender issues.
- Special focus on creating a shared understanding that many of the schools are known as co-educational schools but now we need to work towards calling our schools as everyone's school.

**Celebration of Gender Awareness Day in School**

One day from the school calendar could be dedicated for creating awareness regarding the issues faced by transgender students at school as well as in the larger society. It could be celebrated as a campaigning day, participated by students and teachers for sharing ideas about inclusion, gender equality, violence faced by students with specific focus on transgender students or on creating conducive learning spaces for each student. The event could be celebrated from morning itself with activities incorporated in the morning assembly session. Play, quiz, poster making, debates, display board decoration or other such individual/group activities could be conducted on that day with a special focus on creating awareness among students, teachers and other staff members of the school ecosystem.

**1.2.5 Discussion***5 Minutes*

Consider a parent visiting the school principal/head with a transgender child for admissions purposes. As members of the school ecosystem, what practices will you undertake in order to create an inclusive school space? You can discuss multiple perspectives while representing different stakeholders:

- Students;
- Teachers;
- Principle;
- School administration and
- Other non-teaching staff.

**1.2.6 Activities***40 Minutes***A Note for the Facilitator**

The following are some of the activities that could follow the second session, culminating Part-1 of the programme. This is a short list of activities while more detailed activities are mentioned in Annexure-2. All the activities are suggestive in nature and should be appropriated in relation to the local context. More such activities could be evolved keeping in mind the specific circumstances. In case of group activities, it should be ensured that the activity takes place in mixed groups, having participants from different genders, designations and the stage of students (preparatory, middle, secondary) they are engaged with.



### **Group Activity: Presentation of a Skit**

Make a small group of mixed genders with four to five participants including teachers, administrators and other staff members. Collectively they could come up with a theme for a short skit to be presented in the session. The theme could be based on their understanding of issues faced by the transgender persons in private and public spaces. They could come up with instances of everyday interactions of transgender persons with the larger society. It is suggested that the themes emerge from some real-life situations.

Some of the spaces of everyday interactions could be:

- Work place
- Festive/cultural gatherings and celebrations
- Government offices
- Traffic signal junctions
- Market places
- School premises

While planning the skit, try to come up with solutions for the same.

**Outcome:** Participants would be able to understand multiple perspectives on the transgender concerns and the roles they could play while engaging with the same.

### **Activity**

Suggest some local celebratory days wherein you could integrate gender concerns. List out some events or activities that you will take up in your school on those specific days for sensitisation on inclusion of transgender students.

**Outcome:** A repository would be formed to be used in schools for creating an inclusive school environment.

### **Checklist**

All teachers, principals, academic and non-academic staff members associated with the school system are to be aware of: Vulnerability of transgender students. They might be facing various kinds of violence within and outside the school premises.

- Appropriate means available for reporting, taking actions or supporting the transgender students in light of reported violence/issues faced by them.
- Laws, interventions, schemes available for transgender students at the national, state and regional levels.
- Some of the schooling practices that could be utilised for creating sensitivity and integrating transgender concerns within the schools.

**1.2.7 Post-test for the Participants***10 Minutes*

After reading the concerns mentioned below, in a pair, discuss some of the possible answers of these questions. While discussing, the participants can try to highlight some of the assumptions within the statements and come up with their own counter arguments/solutions of such assumptions/opinions.

**Points for Reflection**

1. Who decides if a student is transgender?
2. What if a boy comes to school one day and simply declares that he is a girl and changes in the girl's locker room or wants to use the girls' toilet?
3. Won't a student/child get confused if we speak about more than two genders?
4. Is being transgender a product of abuse or poor parenting skills or is there something more to it?
5. Allowing a transgender student/child to express themselves might lead to greater harassment and/or abuse.
6. Will discussions around transgenders lead a student/child becoming a transgender person?

**Outcome:** Would help participants to think through and identify some of the assumptions about transgender and the related issues.

## **PART 2**

### **A SESSION FOR THE TEACHERS**

Part-2 of this module includes two sessions for the teachers. Session-1 will provide the participants few pedagogical approaches for creating a gender inclusive classroom. It aims at supporting the teachers in creating their own context-specific practices with special focus on transgender concerns. It is followed by Session-2, which specifically focuses upon stage and subject specific suggestive activities, which are to be conducted in mixed gender groups of participants.

The following table illustrates the framework of Part-2 of the programme along with its time allocation within this session for the teachers.

<b>Session-1: Practicing a Gender inclusive Curriculum</b>	
An Ice-breaking Session for the Teachers	5 minutes
Presentation	20 minutes
Discussion	5 minutes
<b>Break—5 Minutes</b>	
<b>Session-2: Activities for the Teachers</b>	
Discussion	5 minutes
Activities	50 minutes
Discussion	5 minutes
Consolidation with a Feedback Session	20 minutes

**DRAFT**

## SESSION 1

# PRACTICING A GENDER INCLUSIVE CURRICULUM

### 2.1.1 An Ice-breaking Session for the Teachers

*5 Minutes*

Since this session is specifically for the teachers, the facilitator can once again organise an ice-breaking session for the group. It could be a brainstorming activity wherein the facilitator can show some short snippets of videos, photographs, newspapers, biographies and other relevant materials to the participants focusing their attention to transgender concerns. It is suggested that the material concerns with schooling practices with which teachers can relate to, initiating peer discussions.

### 2.1.2 Supporting the Teachers

#### A Note for the Facilitator

*Presentation: 20 Minutes*

*Discussion: 5 Minutes*

The facilitators can go through the following approaches which could be shared with the teachers during the presentations and discussions. Some of these approaches can also be incorporated into the activities with the participant. The details can also be incorporated into the strategies orienting teachers for creating and practicing a gender-inclusive classroom. Specific pointers for presentation can also be found in Annexure-1.

Teachers have a unique role in the lives of their students. Teachers can serve as role models and guide students to reach their hopes and dreams. They can play a major role in imparting gender education and ensuring that schools are not perpetuating discrimination based on gender identities. Teachers are perceived to be a trusted source of information and support. They do more than a simple delivery of curriculum. In many schools they also function as guidance counsellors, mentors, school monitors and principals. However, teachers consciously or unconsciously can also reinforce marginalisation of transgender students, for example, by using language or behaviours that students may find disrespectful. There are many other barriers, which hinder effective teaching about gender, sexuality or violence in schools like teacher's confidence, competing curriculum priorities, perceived

and real assumptions of gender diversity, limited training and resource availability.

In this situation support from teachers can have a particularly positive impact on transgender students, improving their self-esteem leading to lower absenteeism, greater feelings of safety and belonging. This also helps them in their academic achievements. For this, teachers need support to practice and teach gender inclusivity. Professional development can improve personal confidence, knowledge and willingness to teach relevant curricular content and improve teaching practice. There is a need to design teacher training programmes for providing opportunities:

- to reflect upon their own attitudes and behaviours about gender and sexuality;
- to practice different pedagogical approaches, strategies; and
- to develop resources, such as inclusive curricula, teaching and learning materials for meaningful classroom interactions.

These teacher training programmes can prepare teachers to work with diverse populations and address issues of social inequities within their schools and classrooms. It will take different forms in a range of institutional settings, public and private, including teacher training colleges, universities, specialised institutions and other training providers. The period of training differs widely, as also the length and modalities used for instruction. These trainings are expected to provide a key opportunity to equip the future workforce with the knowledge, skills and attitudes they need to provide inclusive and supportive learning environments for all learners, regardless of their sexual orientation, gender identity and expression, or any other characteristic. Such training and support are also important for other school staff including school counsellors, nurses, housekeeping staff, etc.

### **2.1.3 School Curriculum**

The school curriculum, which encompasses visible as well as hidden schooling practices can offer a world view which may seem to be real or imagined, familiar or strange when modified with a transgender inclusive perspective. When incorporated, such curriculums can help create a more positive, healthy and a less violent school environment. It would further help in the creation of a healthy self-concept of all students. Inclusive curriculum supports students ability to empathise, connect and collaborate with the diverse group with diverse skills that are of increasing significance in our multicultural global society.

The following list could be of assistance for this advocacy:

- Beginning these conversations in elementary school will help young people develop empathy for a diverse group of people and to learn about identities that might relate to themselves or their family. It is never too early for schools to set up a foundation of understanding and respect.
- Students of secondary stage, who are also adolescent may be given an opportunity to learn that the words “gay,” “lesbian,” and “transgender” are adjectives that should be used with respect to describe people in their community, not words used in a negative way to hurt, insult, and degrade.
- Inclusive curriculum supports a student’s ability to empathise, connect, and collaborate with a diverse group of peers, and encourages respect for all.
- All students deserve to see themselves in their curriculum, including students who identify as transgender and come from transgender headed families.
- Teaching transgender inclusive curriculum acknowledges that interactions with transgender persons may be part of people’s lived reality.

#### **2.1.4 Finding Opportunities for Transgender Persons**

Educators should spend time identifying the extent to which transgender related content is present in their current curriculum. Care should be taken to fill gaps while looking for opportunities to deepen student understanding of their world and identities. transgender people, history, and events can be inserted into content areas. Teaching about identity at any age is valuable for students, and can be considered part of social emotional learning (SEL). Curriculum should provide students with opportunities to reflect on their own identities, including gender identity and expression, family diversity including transgender headed families, and the types of relationships they may want to build. The most important thing is to dismantle this polarising way of thinking and give examples of ways that nature is not binary.

#### **2.1.5 Suggestive Pedagogical Approaches for Teachers**

##### **(a) Preparing Teachers for a Gender-Inclusive Classroom**

While planning for teaching pedagogy teachers should be conscious of formulating gender inclusive educational practices

keeping in mind the specific contexts of their classrooms. They should further be conscious of the situatedness of each student within the larger community and its implication in the teaching learning processes.

The following are some recommendations for teachers through which such policies can be implemented in schools. The list is not exhaustive. Educational practitioners, including teachers, can evolve further strategies for an effective gender inclusive classroom.

1. Discontinuance of practices that reinforce gender binaries in classrooms, co-curricular activities and other school spaces. These include, but are not limited to, forming gender specific queues and seating arrangements, stereotyping certain games and sports with a particular gender alone, pitching classroom interactions into gender binaries, etc.,
2. Screening of movies/documentaries/video-audio clips as a regular activity on themes around gender sensitivity including interviews/talk with prominent transgender personalities.
3. Encouraging students to work on projects with the objective of sensitising and educating students to the barriers faced by transgender children. For instance, the students may be asked to collect details about initiatives taken at any level in their locality to integrate transgender persons in the mainstream and to end discrimination against them.
4. To collate the learning difficulties faced by the students a suggestion box can be put up on every floor wherein students can drop their written notes about the learning challenges faced by them.
5. Students should be encouraged to create discussion forums wherein they can regularly and openly discuss issues related to gender justice, violence, and their fears, if any. Teachers may plan to suggest certain online resources for self-paced learning or advanced learning experiences. In the absence of proper knowledge and preparedness, unsure and vulnerable young children may often end up being victims of cyberbullying and online blackmailing. To prevent this, ethical and responsible use of online resources should be ensured. Mechanisms to generate awareness and preparedness against inappropriate online information or people should be put in place.

#### Cooperative Learning

Cooperative learning can be used in a mixed ability group to achieve common goals with mutual cooperation and support.

It provides opportunities to children to learn skills and abilities like social cooperation, listening, turn taking, seeking assistance, offering suggestions, and mutually supporting each other.

#### Goals of cooperative learning

- To encourage the child to take responsibility for their own learning.
- To facilitate social interaction between each of the members of the group.
- To ensure that children build friendships irrespective of their socio-cultural and gendered backgrounds.
- To develop their problem-solving skills through mutual collaboration and support.

#### Guidelines for cooperative learning

- The teacher should specify the instruction objective of the lesson.
- Each group should be small in size and heterogeneous.
- Arrange learning environment in a such a way that the members are not too close or far from each other.
- The members of the group should sit together facing each other to facilitate interaction.
- Assign roles to each member of the group wherein they actively participate and take responsibility for their own learning.

### Collaborative Learning

Collaboration can be direct or indirect. Indirect collaboration refers to working with the teacher outside of the classroom to plan for student needs. In direct collaboration, teachers can collaborate with students within the classroom for various activities.

#### Prerequisites for collaboration

- Collaboration presumes mutually agreed on goals. Members of a collaborative team must work towards a clearly articulated common goal.
- Collaboration should be voluntary as it is more fruitful when people willingly come together to achieve a common goal.
- All members of the collaboration team must be seen as equals.
- Collaboration requires shared responsibility and shared resources. All members of the group must be a part of the process of arriving at and agreeing on a decision.

- The resources should be utilised to achieve team goals and should be available to all members of the collaborative team as required.
- Team members must be collectively responsible for the outcomes of the decision as all team members share the success or failure of any collaborative effort.

#### Benefit of collaboration

- Development of ideas that individuals might not have thought of but evolve from a group effort.
- A more enjoyable social learning experience.
- Development of support networks.
- A greater awareness of what is occurring in other domains as each individual comes up with different knowledge bases.
- Greater assistance with context-dependent problem solving.

#### (b) Opportunities for Integrating Question around Power and Violence in School Subject Domains

The subject of violence is very sensitive, and at the same time, very important. Power within the society is spread out and is utilised by many people at various times and in various ways. Therefore, it is important for a teacher to use every opportunity presented to them in showing how power can be exercised in the right manner to bring about a positive outcome for any act. Therefore, this discussion is something that transcends across all topics. In subjects like history, teachers could elaborate upon how wars were fought, their brutal results, their victims and how power was utilised for the same. Similarly, in games and sports, the right use of physical power to achieve a victory can be used by the physical trainers to show how power can be used for a positive outcome. In languages, the teacher can use examples from lessons and stories to show how misuse of power can result in violence.

#### (c) Stage-wise Suggestions for Integrating Gender Inclusive Content

The following are some of the stage specific interventions teachers can do in their pedagogy and teaching-learning interactions within the classrooms. Spaces in the grade and subject specific textbooks can be identified wherein teachers can integrate gender, including transgender concerns. More such interventions could be evolved given the local contexts as the following interventions are non-exhaustive. Some pointers are also

included in Annexure-1, which the facilitators could also share during the presentations.

#### Preparatory Stage (Age 8 - 11 years)

There are chapters, exercises or activities given in the textbooks (subject, class or state may be different) where there is a possibility to include: girls, boys, children with special needs, etc., for participation in the learning process. The teachers can introduce transgender persons as well. This inclusion must not be forceful, it may be done in a very natural way depending upon the situation. It could be a situation where they are made aware of diverse genders in the society and their role or participation in its various activities.

- Using gender neutral toys and games like puppets, building blocks, puzzles, animals and other play material.
- Freedom in choosing games (both indoor and outdoor), colours, toys, colouring books, visuals and other teaching-learning material irrespective of the genders socially assigned to them.
- Using stories, poems, songs, folk arts, pictures and other means for briefly introducing gender diversity.
- Pictorial representations of animals and other organisms that highlight their diversity in gender and group structure.
- Use gender inclusive language like 'students', 'children' rather than using the binaries, 'girls' and 'boys'.
- While forming play, study or activity groups ensure mixed gender groups in co-educational schools.
- Ensure that academic and non-academic tasks delegated to students, sports activities, competitions and other events are inclusive in nature.
- Students can plan a class party. While organising the same the teachers can initiate dialogue how some students might feel hesitant to bring food for the party due to fear of being ignored. But the other students must reassure them to not worry and include them in the classroom practices.

#### Middle Stage (Age 11 to 14 years)

- Visuals, stories, textual materials, co-curricular activities can be used for introducing gender diversity and to generate sensitivity for various gender identities, gender expressions and bodies.
- Educators should be mindful of vocabulary used to acknowledge the students.

- Preliminary discussions could be held to distinguish between sex, gender, and gender identity.
- Transgender as a gender identity can be explored while discussing healthy relationships, boundaries and consent.
- Educators could identify the spaces and scope of integrating gender especially transgender concerns in their pedagogy and textbook content wherever they feel the gap in the existing text books. Such practices should be shared with fellow teachers (subject or stage specific) to collectively evolve best practices which are context specific.
- Issues of masculinity, equality and empowerment must be addressed through a careful choice of themes in our textbooks as well as through other pedagogies, such as role play, debates, creative writing, development of short films, etc.
- If students are noticed to be gender non-conforming or emerge as transgender at this stage, help them to form healthy, supportive alliances with peers and generate gender sensitive school environment so that such a student feels supported.
- Health educators should be gender sensitive and use gender inclusive practices while educating on puberty, sex education and health education. Relevant and appropriate information must be provided during the sessions.
- In language classroom, short stories on gender diversity from Indian folklore could be made part of the learning process for students to read.
- In social science classrooms while talking about diversity, instead of creating stereotypes of boys, girls and disabled children, there is scope of including discussions on gender diversity. Stereotypes about transgender persons have created inequalities in society, which could also be critically looked at. and can become a part of classroom discussions.
- Teacher can find out about some successful transgenders in different professions and tell about their struggles and success. They can also be from their own region.
- Wherever, there is a context about girls or boys, men and women, their marginalisation, rights, exclusion, population composition could be discussed. Teachers can bring in discussions around transgenders as well, as an integral part of the society.

- Transgenders can become part of various activities, such as role play, paintings, poster making drama, etc.
- In science classroom, the theme of connecting science with social life among humans can be explored. Teachers can ask reflective question or give innovative exercises to students, like: What does it mean to grow? How do you respond to changes? What are the varieties of people living around us? Discuss with them about diversity of gender expressions, mannerisms, etc. Such discussions can weave in transgender issues.
- When having conversations on genetic makeup of living organisms (especially human beings) it could be highlighted how not all people born with XX/XY chromosomes identify as women/men.
- In science classrooms teachers can discuss the intersex conditions among animals during the sessions on biology. They can further discuss about the births who are born intersex among humans.
- Science teachers while discussing plant and animal including human anatomies should be mindful that it does not reinforce gender binaries and includes examples of intersex life forms.
- The information regarding sex organs, sexual characters, etc., of intersex and transgender persons may be added by the science teacher. They can highlight that in all adolescents this process occurs differently. There is nothing to make fun of or get worried about. Also, discuss that intersex persons may develop differently despite growing up as 'girl' or 'boy'. Additionally, aspects of emotional attraction, change in body language and physical changes associated with transgender/intersex persons may be discussed with the students in a friendly way.

#### Secondary Stage (Age 14 to 18 years)

- Classroom discussion may take place on the kind of cultural change India is going through right now so that transgender community gets suitably included in all spheres.
- In economic classrooms, teachers may include economic activities by transgender persons. Transgender persons are also a resource. However, because of the social sigma, they do not get proper recognition. Also, due to lack of education and skills, they often do not find suitable work. Actions are being taken at various levels to increase their preparedness for employment and inclusion.

- Teachers can further provide exposure to students on the prevalence of unconventional careers through invited talks by eminent persons including transgender achievers who have excelled in unconventional professions.
- Teachers can share stories of transpersons who have contributed to society.
- Educators can acknowledge how the socially prevalent views on human reproduction (between cis gender men and women) are presented and how some experiences might be different from this view.
- Science teachers can add 'intersex' as a category of sex differentiation in organisms. Discuss about ambiguous genitalia among humans and other animals. Students should be given an assignment on looking up the internet for recent research on sex diversity among living organisms.
- Reproduction in Human Beings is dealt only from the view of males and females. Perspective of transgender persons needs to be added. It can be highlighted that reproduction by a transgender person may be possible in cases where certain organs are preserved and eggs/sperms are cryopreserved.
- Teachers may add a section regarding intersex and transgender persons; and also discuss about sexuality in humans and other multi-cellular organisms.
- Population has been divided into male and females. While teaching social science, the teacher can discuss about the category of transgender with relevant information.
- While teaching social science teachers can integrate the discussion of transgender persons at appropriate places. Teacher can also highlight about transgender politicians who are holding various positions.
- Teachers can include the marginalisation of transgender persons and discuss them as under disadvantaged group requiring action from both society and governments just like other marginalised.
- During classroom discussion, the teacher may add about the social inequalities faced by transgender persons and their lack of education may be highlighted, while discussing inequalities in education.

- The teacher may add from relevant texts regarding exclusion of transgender persons from their rights in India. They can ask students to refer to Transgender Persons (Protection of Rights) Act and Rules of 2019 and 2020.
- Wherever, ‘gender’ is mentioned, it can include transgender persons.
- Social science teacher may introduce the *hijra* system of the family that many trans women in the Indian subcontinent ascribe to when they move away from their natal family.
- Debates and discussions can be encouraged on issues related to gender, its varied dimensions and locating gender within the larger cultural contexts along with questioning gender stereotypes.
- Discussion forums with invited experts, transgender speakers, psychologists, police personals, lawyers and activists could be formed to generate awareness among students. Parents can also be in for such sessions.
- Legal literacy workshops could be organised to acquaint students, teachers and parents on Constitutional and legal provisions for prevention of crime against children, particularly girls and transgender children.
- Sexual health educators and counsellors can check in with students during their sessions, ensure that they receive correct information relevant to them and if the need felt should contact the teachers and parents for creating a supportive environment for the student.

#### 2.1.6 Discussion

5 Minutes

Ask participants to share one learning from the session and one practice they could include in their pedagogy to integrate transgender concerns in their classrooms. This could be a brief preliminary discussion as a brainstorming discussion for the teachers to find spaces in their profession to integrate gender including transgender concerns.

A detailed activity on evolving such practices and interventions is to be done in the following session which specifically focusses upon activities with the participants.

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## SESSION 2

### ACTIVITIES FOR THE TEACHERS

This session is for teachers to collaborate with one another and collectively come up with practices for integration of transgender concerns in their pedagogy. Small, mixed gendered groups of participants could be formed to explore and document various practices, which they could use in their teaching-learning activities. Some detailed classroom activities are also mentioned in Annexure-2. Teachers can appropriate these activities in relation to their local context and evolve more on similar themes. Ideas for some subject- and stage-specific interventions can also be gathered from the previous Session (Session-1).

#### A Note for the Facilitator

*55 Minutes*

Ensuring stages and subject-specific interaction

##### (a) Stage Specific Interactions

- The participants can make stage specific (preparatory, middle and secondary) groups of five to six teachers who could have a focussed discussion on how they think gender concerns including transgender concerns could be integrated in the school curriculum.
- Teacher's collective classroom experiences are to be foregrounded while thinking about the viability and prospects of these practices.
- School curriculum, including textbook content and co-curricular activities within the specific schools could further be utilised for planning such activities.
- Each stage specific group of teachers can document the evolving activities, which could function as a resource directory for future use.
- Teacher' understanding from the training sessions of Part-1 and 2 could further be appropriated for identifying and working upon context specific themes.

##### (b) Subject-specific Interactions

- In addition to stage wise focussed interactions, subject specific groupings can also be formed.
- Teachers teaching different school subjects at various stages can make a small group to discuss specific themes from the subject curriculum, which have a potential to integrate gender including transgender concerns.

- Such discussions could include questions like:
  - How will you teach human biology including genetics in middle and secondary stage foregrounding the physical and environmental/social factors impacting transgender persons?
  - How will you discuss gender differences through language with children in preparatory stages?
  - What potentials does mathematics have in middle stage to integrate gender concerns?

### 2.2.1 Discussion

5 Minutes

How can we create a gender sensitive environment in:

- (a) Canteen
- (b) Washrooms
- (c) Assembly
- (d) School corridors
- (e) Playgrounds
- (f) School walls
- (g) Boundary wall

### 2.2.2 Activities

40 Minutes

#### Tools for Sensitisation

##### (a) Role-play

Conceptualisation: 10 Minutes

Performance: 20 Minutes

Follow-up Discussion: 5 Minutes

In mixed groups teachers can participate in a role-play activity, wherein they take up different roles and enact a play/skit on themes around transgender concerns. Such roleplaying activities can also be planned in the classrooms with students. Some suggested situations for the play are as follows but it is suggested that teachers come up with their own themes they want to work upon.

**Situation-1:** You have a few transgender students in your school. The school has decided to create a forum for a discussion around creating a gender inclusive space. The first meeting is presided over by the school principal, wherein representatives from the student community including transgender students, teachers and administrative staff are present. Imagine yourself to be one of these stakeholders attending the meeting and enact the way you would be participating in the meeting. While assuming yourself to

be different stakeholders what suggestions and concerns would you like to put forward in the forum?

**Situation-2:** Suppose you are going to your workspace and you come across a group of transgender persons at the traffic light. How would you react? Some participants could become Transgender and others as commuters while enacting the situation.

**Situation-3:** You are attending a wedding wherein a group of transgender persons visit the venue to bless the couple. How would you respond in this situation?

**Situation-4:** You have a newly appointed transgender teacher in your school. Enact how the school community will make the teacher feel comfortable and welcoming within the school. Elaborate upon how you can interact and engage with your transgender colleague, your fellow colleagues and students to make the teacher feel comfortable in the new workspace.

**Situation-5:** One day you find out that one of the transgender students in your class is facing some challenges within the school. What would you do to help the student and what steps will you take to sensitise the school community for creating an inclusive and conducive learning environment for the student?

**Situation-6:** During parent-teacher meeting, a couple comes to you regarding the fears they have for having their child's best friend a transgender student. Enact the scenario wherein you councel the parents and make them feel comfortable with their child's decisions.

**Situation-7:** During the morning assembly, your school is awarding a transgender student for holding first position in an inter school debate competition. You hear few of the students from your class commenting upon the position holder's gender identity. Enact how would you deal and respond to the remarks and sensitise your students during your classroom interactions.

**Situation-8:** Your neighbour has organised a party for the birth of their first child. A group of transgender persons come to the celebration to bless the child. Although they welcome their presence but want to send them off as quickly as possible. Your neighbour also behaves discriminately and disrespectfully with the group. You realise the contradiction in their behaviour. On one hand they want the transgender persons to bless their child but they also discriminate and disrespect the group of transgender

persons. How will you respond to this situation realising its contradictions?

**Follow-up Discussion:** Once the activity is over, discuss the performances that you find insightful and useful for your own contexts. Share some of the key takeaways from the performances.

**Note:** Such instances can also be used as a classroom activity by the teacher where groups of students can participate in such role plays. Teachers can guide and motivate them to bring up their own instances/situations/events to enact.

#### **Other Activities**

*10 Minutes*

##### **(b) Identifying transgender persons and their contributions within the local socio-cultural context.**

Participants can use the resources shared by the facilitator in the forms of snippets from newspapers, videos, interviews, newspapers, documentaries and others or can surf on the internet using their devices (if available) to explore some of the contribution of transgender persons within your region. You can also search for acknowledgement in regional folk tales, songs, arts, rituals and other socio-cultural practices.

##### **(c) Poster Making**

Participants can form small groups wherein they are provided with the stationary materials for making a poster on themes around gender including transgender issues. They can come up with slogans, jingles, short poems or statements along with pictorial representations. The posters can be shared with the entire group and can be used by the teachers as a resource for their classrooms and schools. They can also engage their students in similar activities and their works could be presented on the school walls and display boards.

##### **(d) Creating a Short Story**

In groups, participants can look for short stories or create a story themselves around the themes of inclusion, gender, transgender issues and other similar themes which highlight the importance of a gender inclusive society. While creating the story, they can highlight its stage and age specificity. They can further think through the kind of resources they could utilise to make the story more interactive and interesting for their students. Some of the resources could be puppets, visuals, voice modulations, art, etc.

##### **(e) Brainstorming**

Questions, situations, statements, media contents, sharing experiences—all can be used as a resource for a brainstorming activity with the participants. The aim is to initiate discussions, dialogues, thoughts and ideas around gender concerns including transgender concerns some of which the participants might already be aware of. The idea is to take forward their understandings; bring to fore their assumptions; and learn from each other; generating sensitivity and creating inclusive schooling practices.

### 2.2.3 Consolidation with a Feedback Session

*Discussion: 5 Minutes*

*Activity: 15 Minutes*

The session could be consolidated with a brief recapitulation of the themes discussed in the entire programme by inviting teachers to ask any questions they want clarification upon. They could further share their major take away from the module with the facilitator. The facilitator can also initiate a discussion by asking questions like:

- What new things did you learn from the entire programme? Share few of them with the entire group.
- What did you enjoy the most and what aspects can be modified for better understanding of gender inclusion, including transgender concerns through such programmes?
- Which are some of the themes that you would like to include in future such programmes?

The following activity is to be conducted for the wrap-up session.

**Task:** In groups of five to six, stage and subject specific participants are to come up with various practices and strategies to integrate gender, especially transgender concerns, which they can use in their pedagogy and everyday teaching-learning interactions. The practices should be on how they can create awareness regarding the gender including transgender issues within school and larger community. Each participant from the group is to come up with at least one such intervention/strategy. The emerging interventions are to be noted down in the following table. The facilitators are to provide the copies of the table to each group of the participants. Some of the participants could also note these down on a chart

## PART 2

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paper, which could be a valuable resource for their classroom and schools. The facilitators can also use this repository as a resource in future sessions.

*Time: 10 Minutes*

**Material Required:** Multiple copies of the following table, chart papers, pens/pencils/sketch pens.

#### Repository of Practices for a Gender Inclusive Schooling

#### Practices

**Class:**

**Subject:**

Practices that I could include in my pedagogy for integrating gender including transgender concerns in my classroom:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Practices that I could include in my pedagogy for integrating gender including transgender concerns in the school premises and its common places:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

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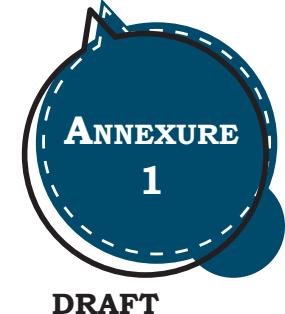
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## ANNEXURE 1

### PRESENTATION POINTERS

The following Presentation can be used as an additional resource while conducting the programme. It highlights specific content of the module, which could be further elaborated during the presentation and subsequent discussion. The content from the module can further be utilised in the making of the slides.

#### Guidelines for Conducting the Programme

- This is a one-day programme for teachers, principals, school staff including administration and representatives from the SMCs as members from the larger community.
- The programme is divided into two separate parts, Part-1 and Part-2 with the duration of three hours each and a break in between. Part-1 consists of two 90 minute sessions, 'Transgenders and the Social Ecology' and 'Inclusive Environment for Transgenders in School' with an in between break for five minutes. The Part-2 of the programme is specifically designed for the teachers and practitioners. It consists of two 90 minute sessions, 'Practicing a Gender Inclusive Curriculum' and 'Classroom Specific Interventions' with a break in between.
- The activities throughout the module are suggestive in nature. Facilitators and participants can come up with their own variations and evolve the activities in relation to their local contexts.
- Resource persons need not assess all the activities which are part of the programme. Many activities are reflective in nature and can be self-assessed. Facilitators are to guide the participants, creating spaces for dialogues and practical experiences.

#### Introduction

- Schools function as agents of change maker in the society, making it important to equip all the stakeholders to meaningfully engage with the emerging gender concerns.
- This material has been designed for teachers, principals, school support staff, administration as well as other stakeholders including community members for addressing transgender concerns in creating an all-inclusive set up of the school system.

### Objectives

With the purpose of sensitising teachers and all the stakeholders in a school system to create a safe, conducive, and inclusive learning environment for transgender children, the module is designed with following objectives:

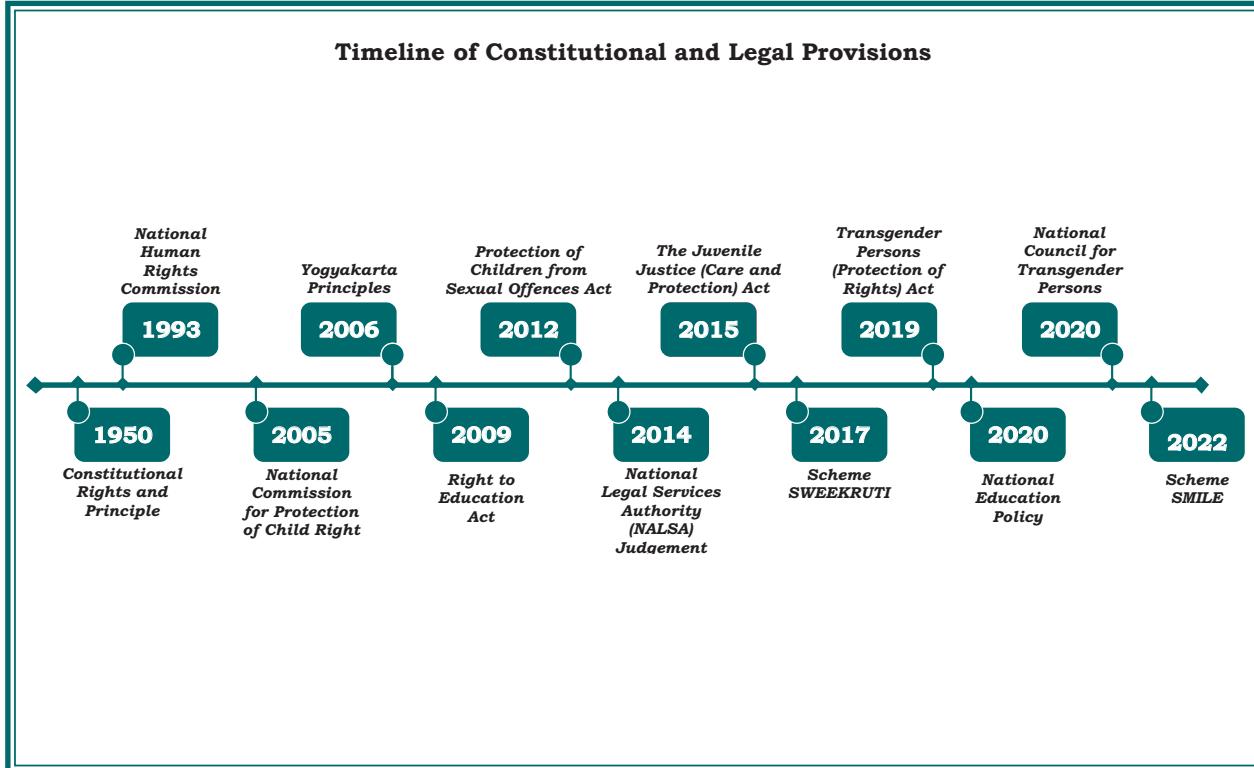
1. To create awareness about existing biases and prejudices pertaining to transgender that are prevalent within a social context.
2. To identify the challenges faced by transgender students in schools.
3. To promote the use of pedagogical processes that are gender sensitive and inclusive, across various stages of schooling.
4. To encourage school leadership and community to be sensitive and accepting towards diverse/multiple gender identities.

### PART-1

#### SESSION-1: TRANSGENDERERS AND THE SOCIAL ECOLOGY

#### Constitutional and Legal Provisions

##### Timeline of Constitutional and Legal Provisions



#### Constitutional Rights and Principles

**Right to Equality** is our fundamental right conferred by the Constitution of India.

- Article 14-16 grants Equality before Law, Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth and Equality of opportunity in matters of public employment.
- Article 15(1), 15(2) and 16(2) in explicit terms prohibits discrimination on the grounds of sex.

**Right to Freedom** including Article 19-Protection of certain rights regarding freedom of speech, etc.

- Article 20- Protection in respect of conviction for offences.
- Article 21- Protection of life and personal liberty confers everyone irrespective of religion, race, caste, sex or place of birth right to life wherein no one shall be arbitrarily deprived of life.

Under **Directive Principles of State Policy** Article 41 of the Constitution of India directs the States to make effective provision for securing the right to work, education and public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want within the limit of its economic capacity and development.

**Link:** <https://legislative.gov.in/sites/default/files/COI.pdf>

#### Right to Education Act, 2009

- The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), is an Act of the Parliament of India enacted on 4 August 2009, which describes the modalities of the importance of free and compulsory education for children between 6 and 14 in India under Article 21a of the Indian Constitution.
- It states that, “every child of the age of six to fourteen years, including a child “child belonging to disadvantaged group” (referred to in clause (d) of section-2) or “child belonging to weaker section” (clause (e) of section-2), shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education (Section-2, p. 4).

**Link:** [https://legislative.gov.in/sites/default/files/A2009-35\\_0.pdf](https://legislative.gov.in/sites/default/files/A2009-35_0.pdf)

#### Protection of Children from Sexual Offences Act, 2012

- Ministry of Women and Child Development introduced the Protection of Children from Sexual Offences (POCSO) Act, 2012.
- Protect children from offences of sexual assault, sexual harassment and pornography.
- Provide for establishment of Special Courts for trial of such offences and related matters and incidents.
- The Act is gender neutral and regards the best interests and welfare of the child as a matter of paramount importance at every stage so as to ensure the healthy physical, emotional, intellectual and social development of the child.

**Link:** [https://legislative.gov.in/sites/default/files/The%20Protection%20of%20Children%20from%20Sexual%20Offences%20Act%2C%202012\\_0.pdf](https://legislative.gov.in/sites/default/files/The%20Protection%20of%20Children%20from%20Sexual%20Offences%20Act%2C%202012_0.pdf)

**National Legal Services Authority (NALSA) Judgement, 2014**

- It recognizes the gender identity that the person self-determines irrespective of their anatomy/physiology, and calls for the State to recognize their self-declared gender identity (Section-55; p. 61-62).
- “Article 14 does not restrict the word ‘person’ and its application only to male or female. Hijras/transgender persons who are neither male/female fall within the expression ‘person’ and, hence, entitled to legal protection of laws in all spheres of State activity, including employment, healthcare, education as well as equal civil and citizenship rights, as enjoyed by any other citizen of this country” (Section-54; p. 61).
- Declares reservation rights with respect to education: in Section 129 sub-section (3), it says, “We direct the Centre and the State Governments to take steps to treat them as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments” (p. 109-110).

**Link:** <https://translaw.clpr.org.in/wp-content/uploads/2018/09/Nalsa.pdf>

**The Juvenile Justice (Care and Protection of Children) Act, 2015**

- The Act associated with the Ministry of Women and Child Development.
- Seeks to address children below the age group of 18 years, in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social reintegration and by adopting child friendly approach in disposal of matters.

**Link:** [https://legislative.gov.in/sites/default/files/A2016-2\\_0.pdf](https://legislative.gov.in/sites/default/files/A2016-2_0.pdf)

**Transgender Persons (Protection of Rights) Act, 2019**

- It aims at ending discrimination of transgender persons by focussing on inclusive education which it defined as, “A system of education wherein transgender students learn together with other students without fear of discrimination, neglect, harassment or intimidation and the system of teaching and learning is suitably adapted to meet the learning needs of such students” (p. 2).
- It identifies ways of discrimination as “denial of access”, “discontinuation”, “unfair treatment”, “termination from occupation”, and “removal from government or private establishment”.
- By defining inclusive education explicitly in the context of transgender persons and by strictly prohibiting discrimination of any kind on any ground, the Act sets the agenda to mainstream the transgender persons in the society and offer them a life just like any other person.
- “Every educational institution funded or recognized by the appropriate Government shall provide inclusive education and opportunities for sports, recreation and leisure activities to transgender persons without discrimination on an equal basis with others” (Section-13, p. 5).

**Link:** <https://socialjustice.gov.in/writereaddata/UploadFile/TG%20bill%20gazette637631764960930587.pdf>

### Role of Various National Bodies

National Human Rights Commission, India, 1993

- NHRC functions to promote and protect human rights which encompass rights relating to life, liberty, equality and dignity of individuals guaranteed by the Constitution of India or international agreements and is enforceable by Courts in India.

National Commission for Protection of Child Rights, 2005

- NCPCR emphasis upon inviolability of child rights and recognizes the tone of urgency in all the child related policies of the country.
- Protection of all children in the 0 to 18 years age group is of equal importance.

National Council for Transgender Persons, 2020

- As directed by the Transgender Persons (Protection of Rights) Act, 2019 the Central Government has constituted a National Council for Transgender Persons.
- Council to advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender persons and its evaluation.

### Scheme SWEEKRUTI, 2017

- For promotion of transgender equality and justice.
- Initiated by the Social Security and Empowerment of Persons with Disabilities (SSEPD) Department, Government of Odisha in the year 2017.
- Recognises transgender persons as 'valuable human resource and seeks to provide them with equal opportunity, protection of rights and full participation in society' (SWEEKRUTI, 2017).
- Makes available a range of services necessary for rehabilitation of transgender persons.

Link: <https://ssepd.gov.in/system/download/Scheme%20for%20TG%20-%20Final.pdf>

### National Education Policy (NEP), 2020

- Recognizes transgender individuals among the Socio-Economically Disadvantaged Groups (SEDGs) that have been historically underrepresented in education.
- All the provisions made in the policy for SEDGs also become applicable for the transgender students.
- Of the many recommendations made by the Policy on curtailing the drop-out rates, what is of particular significance for transgender children is that alternative and innovative education centers will be put in place in cooperation with civil society to ensure bringing back children who have dropped out of school due to various circumstances into mainstream education.

Link: [https://www.mhrd.gov.in/sites/upload\\_files/mhrd/files/NEP\\_Final\\_English\\_0.pdf](https://www.mhrd.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf)

## Scheme SMILE, 2022

- Support for Marginalized Individuals for Livelihood and Enterprise (SMILE), an umbrella scheme launched by the Ministry of Social Justice and Empowerment on February 12, 2022.
- includes sub scheme—‘Comprehensive Rehabilitation for Welfare of Transgender Persons’.
- Provision for Scholarships, Skill development and livelihood, Composite Medical Health, Housing in form of Garima Grehs, Transgender Protection Cell, E-services and other Welfare Measures.
- Scholarships for Transgender Students provides financial assistance to the Transgender students studying in IX and up to post graduation level to enable them to complete their education.
- ‘Garima Greh’ ensures food, clothing, recreational facilities, skill development opportunities, recreational activities and medical support etc.

Link: <https://transgender.dosje.gov.in/Applicant/HomeN>

## PART-1

**SESSION-2: INCLUSIVE ENVIRONMENT FOR TRANSGENDERS IN SCHOOL**

## Some of the Challenges faced by Transgender Students in Schools

1. Coming in terms with their own sexuality
2. Internal challenges and confusions
3. Emotional, behavioural, physical trauma due to changes/ confusion leading to exclusion
4. Various forms of violence including sexual abuse and molestation
5. Use of washroom, uniforms, especially when children are confused about their identity
6. Mocking, bullying and teasing
7. Choosing a character/ role in a school play, games or other activities in schools.

**Note:** The list is non- exhaustive. These indications might be due to various other issues faced by the student within and outside the school environment. It is suggested that teachers and other stakeholders interact with the student with extreme sensitivity while trying to understand the reason behind such behaviours.

What can I do in situations if I identify my student facing gender related challenges?

1. Each stakeholder might have to engage with the situation differently. It is suggested that you consult a professional like the school counsellor, teacher, school head or others.
2. Be aware of the indications
3. Be very sensitive and cautious while engaging with the situation
4. Ensure the mental health and well-being of the student
5. Share with fellow colleagues, school heads or counsellors while trying to come up with a strategy. Remember that there are people to talk to and support available.
6. Interact with the student's peer groups
7. Discuss with the parents
8. Address the issue to whatever extent it is possible given your position as a stakeholder
9. Taking conscious steps to empower the student
10. Trying to realise the student to be comfortable which who they are
11. Creating an inclusive school environment where the whole school is sensitive towards these concerns
12. Sensitisation programmes with the school community including the parents
13. Tying up with nearby mental health centres where the professionals can engage with the school community and vice versa

**Note:** The list is non-exhaustive.

**Violence faced by Transgender Students**

The following are some of the forms of violence faced by students, especially transgender students, but it should be noted that the list is non-exhaustive.

**Physical Violence**

- Physical interaction between two or more individuals with the intent to cause bodily harm due to their gender nonconformity.

**Sexual Violence**

- Sexual violence can be understood as an experience of a sexual act (e.g., rape, unwanted touching, pressure or coercion to engage in sexual acts) committed against an individual without consent.

**Emotional violence**

- Emotional violence could be understood as an abuse directed at a person or a group causing psychological distress. It might be intended to harm or humiliate the victim.

**Violence at School**

1. Could take place within the classroom, school building (including corridors, below staircases, laboratories, toilets, hand wash area), or on the ground/play areas.
2. Such experiences could also occur outside the school premises, for example, while reaching/leaving from school or within the school dormitories and hostels.
3. This violence can also be perpetrated by school and community members of any gender identity including teachers, students or other school staff members (peons, assistants, housekeeping staff, drivers, security guards and others).

**Advocating Whole School Approach**

1. Creating an inclusive education system that caters to all children.
2. Such inclusive spaces could only be created if each stakeholder in relation to the schooling system is consciously involved in this practice, including principals, teachers, administrative staff, other non- academic staff, parents as well as students.
3. Practicing inclusive curriculum.
4. Creating a social ecology which is gender sensitive.
5. Responding to gendered language and behaviour.
6. Implement anti-ragging policies for the protection of all students including transgender students.
7. Counsellors to be appointed in every school or should be available at a school cluster level who could be approached should the need arise.

**Ensuring Safety and Security of Transgender Students in School**

1. Creating safe washroom facilities.
2. Safe and secure residential facilities be developed for transgender children as per the need.
3. Access to appropriate restroom and locker room facilities.
4. Maintain official records.
5. Implement anti-ragging policies for the protection of transgender students.
6. Establish counselling centres for students including transgender students in every school.
7. Plan the physical education classes, intra-group sports and all inter-school activities to ensure the participation of transgender students.
8. Specific provisions should be made for health care of transgender students.
9. There is a need to create awareness programs in the school with the help of students and teachers. Community/parent sensitisation should also be planned by the school leaders, counsellors, etc.

**Suggestions for School Administrators for a Gender-Inclusive School Environment**

1. Outreach programmes through parent- teacher meetings and meetings with community leaders where the discussions could be around gender diversity.
2. There should be no discrimination on the basis of gender while appointing various academic, non- academic and house- keeping staff.
3. Transgender teachers and other school personals could be hired without gender- based discrimination.
4. Include transgender category in application forms and in all types of certificates for courses in the educational institutions
5. Make provisions for scholarships for transgender students.
6. Special attention needs to be paid to the healthcare of transgender students, even more so for specially-abled/ Diviyang transgender students.
7. Regular workshops may be conducted to make the staff aware of gender affirming policies and practices.
8. Trained counsellors should be provided to support transgender students. These children often face bullying, isolation and harassment mostly because of a variety of prejudices associated with their gender identity.
9. The issue with uniforms can be addressed by introducing gender neutral uniforms.
10. Orientation of key decision makers in school education on how SEDG status of transgender children as implied by NEP 2020 can be made advantageous for them.
11. Form a committee for preventing gender-Hbased violation of schools. The committee can include representatives from transgender community (student of the school or any other) along with school counsellor and teachers.
12. The committee can also act upon any complaints received in the complaint/ suggestion box made available in the school premises to allow learners to report incidents pertaining to harassment or bullying that they may have experienced/witnessed.
13. The location of these boxes should be so decided that the identity of the complainant remains anonymous.
14. Counsellors can be engaged to address issues which require specialized counselling as a preventive or redressal mechanism.
15. Speakers, role models, police personnel, lawyers and socially active members of the society can be invited to generate awareness among students.
16. Ensure that all students are made aware of the local/national emergency helpline numbers.
17. Movie sessions can be conducted in schools for students where a provision can also be made for the community members to access the same. Students and community members might themselves come up with suggestions which could be vetted and further screened during the movie session.
18. Transgender persons may be called as Special Guests/Members of Committees for workshops on topics related to gender inclusion and sensitivity with special focus on transgender issues.
19. A community gathering of SMC members could be organised wherein various gender perspectives ranging from legal rights to skill development could be discussed by the speakers.
20. It could further facilitate discussion around authentic information about transgender people, their real-life stories, challenges and struggles as well as success stories. The meetings could also include activity sessions with students for engaging them meaningfully.

**Responding to Gendered Language and Behaviour**

1. Address bullying, name-calling, or harassment immediately. Concentrate on stopping the behaviour at that moment. Sometimes it's a simple response to hearing a derogatory term like, "That language is unacceptable in this classroom." Remember: no action is an action.
2. Name the behaviour. Describe what you saw and label the behaviour. "That word is derogatory and is considered name-calling" or "That language is unacceptable."
3. Use the Teachable Moment (or create one). Make sure to educate after stopping the behaviour. Decide if you are going to educate in the moment or later, and if it will be publicly or privately. If you decide to educate later you will need to create the teachable moment. You can then take this opportunity to teach one class, the entire grade or the whole school about language and behaviours that are acceptable and those that are not.
4. Support the targeted student. Support the student who has been the target of name-calling, bullying or harassment. Do not make assumptions about what the student is experiencing. Ask the student what they need or want. You will have to decide whether to do this in the moment or later, and if it will be publicly or privately.
5. Hold students accountable. Check school policy and impose appropriate consequences. Make sure disciplinary actions are evenly applied across all types of name-calling, bullying and harassment.

**PART-2****SECTION-1: PRACTICING A GENDER INCLUSIVE CURRICULUM****Suggested Practices for Teachers**

1. Discontinuance of practices that reinforce gender binaries in classrooms, co-curricular activities and other school spaces. These include, but are not limited to, forming gender specific queues and seating arrangements, stereotyping certain games and sports with a particular gender alone, pitching classroom interactions into gender binaries, etc.
2. Teachers can team up with the counsellors on how to interact and communicate with students if they are confronted gendered and other forms of experiences.
3. Wherever there is a scope for sensitising and practicing gender inclusivity, identify and share it with fellow colleagues and students.
4. The scope for integration can be identified in pedagogy, textbooks, school activities (academic and non- academic), school assemblies, and other spaces looking at the subject and stage specificity.
5. Organising interactive sessions, like screening of movies, documentaries, audio-video clips, talks or interviews with transgender for creating gender sensitivity.

6. Encouraging students to work on projects, group tasks, and individual activities on themes around gender including transgender which could also be presented in school assemblies.
7. To collate the learning difficulties faced by the students a suggestion box can be put wherein students can drop their written notes about the learning challenges faced by them.
8. Students should be encouraged to create discussion forums wherein they can regularly and openly discuss issues related to gender justice, violence, and their fears, if any.
9. In the absence of proper knowledge and preparedness, unsure and vulnerable young children may often end up being victims of cyberbullying and online blackmailing. To prevent this, ethical and responsible use of online resources should be ensured.
10. Mechanisms to generate awareness and preparedness against inappropriate online information or people should be put in place.

**Transgender Inclusive Curriculum Benefits All Students by:**

- Exposing them to more inclusive and accurate accounts of history
- Helping them have better understanding of transgender people
- Encouraging them to question stereotypes about transgender people
- Promoting acceptance

**Transgender Inclusive Curriculum Benefits Transgender Students by:**

- Validating their existence and experiences
- Reinforcing their value and self-worth
- Providing space for their voices

**Stage wise Suggestions for Integrating Gender Inclusive Content**

**Preparatory Stage (8-11 years):**

1. Using gender neutral toys and games like puppets, building blocks, puzzles, animals and other play materials.
2. Freedom in choosing games (both indoor and outdoor), colours, toys, colouring books, visuals and other teaching- learning materials irrespective of the genders socially assigned to them.
3. Using stories, poems, songs, folk arts, pictures and other means for briefly introducing gender diversity.
4. Pictorial representations of animals and other organisms that highlight their diversity in gender and group structure.
5. Use gender inclusive language like 'students', 'children' rather than using the binaries, 'girls' and 'boys'.

6. While forming play, study or activity groups ensure mixed gender groups in co-educational schools.
7. Ensure that academic and non-academic tasks delegated to students, sports activities, competitions and other events are inclusive in nature.

**Middle Stage (12-14 years):**

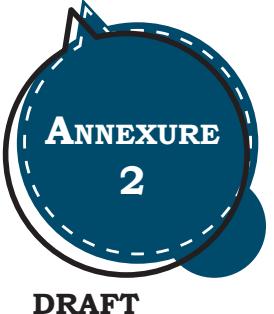
1. Visuals, stories, textual materials, co-curricular activities can be used for introducing gender diversity and to generate sensitivity for various gender identities, gender expressions and bodies.
2. Educators while teaching biology specifically dealing with plant and animals including human anatomies should be mindful that it does not reinforce gender binaries and includes examples of intersex life forms.
3. When having conversations on genetic makeup of living organisms (especially human beings) it could be highlighted how not all people born with XX/ XY chromosomes identify as women/men.
4. Educators should be mindful of vocabulary used to acknowledge the students.
5. Preliminary discussions could be held to distinguish between sex, gender, and gender identity.
6. Transgender as a gender identity can be explored while discussing healthy relationships, boundaries and consent.
7. Educators could identify the spaces and scope of integrating gender especially transgender concerns in their pedagogy and textbook content wherever they feel the gap in the existing text books. Such practices should be shared with fellow teachers (subject or stage specific) to collectively evolve best practices which are context specific.
8. Issues of masculinity, equality and empowerment must be addressed through a careful choice of themes in our textbooks as well as through other pedagogies such as role play, debates, creative writing, development of short films, etc.
9. If students are noticed to be gender non-conforming or emerge as transgender at this stage, help them to form healthy, supportive alliances with peers and generate gender sensitive school environment so that such a student feel supported.
10. Health educators should be gender sensitive and use gender inclusive practices while educating on puberty, sex education and health education. Relevant and appropriate information must be provided during the sessions.

**Secondary Stage (14-18 years):**

1. Exposure to students on the prevalence of unconventional careers through invited talks by eminent persons including transgender achievers who have excelled in unconventional professions.
2. Educators can acknowledge how the socially prevalent views on human reproduction (between cis gender men and women) are presented and how some experiences might be different from this view.

3. Debates and discussions can be encouraged on issues related to gender, its varied dimensions and locating gender within the larger cultural contexts along with questioning gender stereotypes.
4. Discussion forums with invited experts, transgender speakers, psychologists, police personals, lawyers and activists could be formed to generate awareness among students. Parents can also be in for such sessions.
5. Legal literacy workshops could be organised to acquaint students, teachers and parents on Constitutional and legal provisions for prevention of crime against children, particularly girls and transgender children.
6. Sexual health educators and counsellors can check in with students during their sessions, ensure that they receive correct information relevant to them and if the need felt should contact the teachers and parents for creating a supportive environment for the student.

**DRAFT**



## ANNEXURE 2

### ACTIVITIES

The following are a list of activities and strategies, which could be used to sensitise different stakeholders regarding gender, including transgender issues. However, the following list has to be understood as a proposal. States need to operationalise the same given their specific contexts. Moreover, individual schools including classroom teachers need to modify, evolve and improve the given activities, appropriating it to their realities.

#### PART-1

##### SESSION-1: TRANSGENDER AND THE SOCIAL ECOLOGY

**ACTIVITY:** Thinking through a situation

**Time:** 5 Minutes

**Learning Outcome:** Through the discussion participants would be better able to come up with ideas to integrate transgender concerns within their schools.

**Material Needed:** None

**Task:** Imagine there is a girl in your class whose mannerisms and behaviour are that of a boy. Her classmates believe she is a girl and taunt her for behaving like a boy. She wants to be accepted as a boy. How would you that student so that the peer group, teachers and other school staff would acknowledge the student as a boy?

**ACTIVITY:** Interview with professionals

**Time:** As deemed fit within the local context.

**Learning Outcome:** Increased understanding from a professional on transgender concerns.

**Task:** Set up a meeting with a medical practitioners/school counsellors/gender coordinator within or near your school and find out what they can tell us about transgenders and issues faced by them. Try to motivate the students and the staff to prepare some questions for interview to critically examine the factual understanding as well as the socially constructed assumptions around transgender persons.

##### SESSION-2: INCLUSIVE ENVIRONMENT FOR TRANSGENDER IN SCHOOL

**GROUP ACTIVITY:** Discussing violence at school

**Time:** 15 minutes for the discussion and 10 minutes for listing the issues on a chart paper.

**Learning Outcome:** With this activity participants will be able to listen and understand each other's perspective/experiences with violence, with a specific focus on violence faced by transgender students.

**Material Needed:** Chart, Pen/Pencil

**Task:**

1. In a group of four to five participants, discuss about the different types of violence faced by students including transgender students. They can share their previous experiences or share instances they have come across or heard through mass media.
2. The emerging points from the discussions are to be written on a chart collectively. Once a significant number of experiences/ incidents has been written on the chart, they can be shared with the facilitator.
3. The facilitator can pick up a few of the instances to be discussed with the entire cohort.

**Activity:** List out some of the ways to talk to your students regarding school-based violence. What would be the nature of questions you would like to ask your students? It could include a list of people and organisations that could support them in preventing and reporting school-based violence. Discuss some ways to reach out to them thereby creating a safe space.

Some of the focused questions could be the following:

- Ask students to talk to one another, their teacher or guidance counsellors if they have experienced or witnessed instances of violence in school.
- What were the implications of that episode of violence?
- Who within the school and the local community could you reach out for assistance in such situations?

**Activity:** Points for Reflection

1. Who decides if a student is transgender? What if a boy comes to school one day and simply declares that he is a girl and changes in the girl's locker room or wants to use the girls' toilet?
2. Won't my child get confused if we speak about more than two genders?
3. Is being transgender a product of abuse or one's poor parenting skills?

4. Not allowing a trans-child to express themselves leads to greater harassment and/or abuse?
5. Will such discussions lead to my child becoming a transgender person?

**GROUP ACTIVITY:** After reading the concerns mentioned in the box, create a mixed gender group of six participants. Within that group discuss the possible answers of the above-mentioned questions by having a dialogue among the participants who are to be divided in two sub-groups who would be debating for and against.

**Time:** 15 minutes

**Learning Outcome:** Through a dialogue among the participants where each member will take a position for and against the concerns mentioned in the box above, participants would understand the underlying assumptions of the same, coming up with their own counterarguments/solutions for the same.

**Task:** In a group of six, read the concerns mentioned in the box above. Divide the group into two with three participants each. Sub-group A could talk in favour of these questions and Sub-group B could try to come up with arguments to counter their preconceived assumptions.

## PART-2

### SESSION-1: PRACTICING A GENDER INCLUSIVE CURRICULUM

**ACTIVITY:** Self Reflection

The following are some questions as a thought for personal reflection, which could be conducted with the teachers by the facilitators. These are for self-assessment purposes. Facilitators can utilise such questions to further elaborate upon the participants' takeaways from the session.

**Time:** 5 minutes

**Materials:** A questionnaire, pen/pencil

**Outcome:** Participants would be able to judge their own competencies for practicing a gender inclusive curriculum.

Question for Reflection	To a Great Extent	Somewhat	Very Little
Am I prepared to practice a gender-inclusive pedagogy?			

Am I prepared to create awareness regarding transgender concerns through my classroom interactions?			
I can evolve activities from my subject content for students to engage gender issues.			

**Activity:** Questionnaire for students in relation to school violence  
Teachers can use such questionnaires as part of their pedagogy for creating a gender-inclusive classroom space.

**Time:** 15 minutes.

**Materials:** A questionnaire, pen/pencil

**Instructions:**

1. For each statement ask the student to tick in the column they find appropriate.
2. This is questionnaire for students to think about instances related to violence they might have experienced in schools. Teachers need not evaluate the same.
3. The questionnaire would help the teachers/school leaders/administrators to understand the instances of violence within the school.
4. Distribute the questionnaires to students of middle and secondary stage.

**Questionnaire**

S.No.	Statement	True	False	Don't Know
1.	Violence could be an intentional or unintentional behaviour causing physical or psychological harm to oneself, another person, a group or a community.			
2.	Violence only affects person physically.			
3.	Have you ever engaged in a physical fight with another student or group of students?			

4.	Have you ever hurt someone by hitting, pushing, slapping, or shoving?			
5.	Have you ever verbally threatened another student with violence or intimidation?			
6.	Have you ever felt being humiliated by another student?			
7.	Have you ever labelled or called another student with inappropriate names?			
8.	Have you ever experienced, encountered or witnessed sexual harassment? (e.g., inappropriate behaviours, sexual comments, unwanted touching, etc.)			

## SESSION-2: CLASSROOM SPECIFIC INTERVENTIONS

### Activities for Preparatory Stage

**ACTIVITY:** Body Parts Puzzle

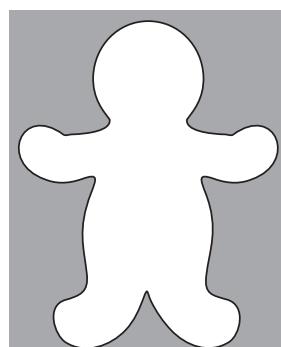
**Aim:** 1. Teaching students to recognise child sexual abuse. It may involve teaching them:

- The concept of 'private zones' and what parts of the body are considered 'private'.
- The different kinds of appropriate/inappropriate, good/bad touching that a child can experience.
- That it is possible that a person whom the child knows and likes, may try to hurt them.

2. To know about good touch and bad touch

**Learning Outcomes:** Students will differentiate between good touch and bad touch

**Materials Needed:** Human body chart/diagram

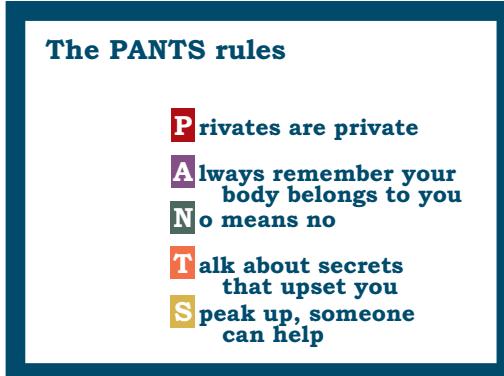


**Time:** 30 Minutes

**Task:** Create a large representation of the human body so that students can label key body parts and identify the idea of private areas.

**Options Include:** Use the body parts puzzle; have a teacher draw a body shape on the whiteboard (or a large piece of paper), or ask for a student to volunteer to do this. Ask the students to help you label each part of the body part.

Initiate discussions on private parts, explaining that some of the body parts are private and that they should stop or report if some form of bodily touch is making them feel scared, uncomfortable or wanting it to stop.



### **Practices to prevent child sexual abuse**

It may involve teaching them:

- The right to decide who can and who cannot touch their body.
- In a situation when someone touches them against their will or in a way that makes them uncomfortable, they can say “no” or leave/run away/make noise and tell the instance to a trusted adult.

### **ACTIVITY: Personal Shield**

**Aim:** To curate a personalised list of persons students can share/report instances of violence or abuse.

**Learning Outcome:** Students will have a personalised list of persons with whom they could share/report instances of violence or abuse.

**Time:** 35 Minutes

**Task:** Draw a shield on plain paper and ask students to write a list of people they trust the most. You should offer guidance on who this might be but make sure this does not include generalised statements of people who generally perceived to be trusted. Each student should create their own individual list. Encourage them to make it more personal. Ask them to think of people in their life who they feel they could confide in and trust.



Encourage the students to write their own list and keep it somewhere safe. This activity will help a particular student to realise about the people with whom they feel protected and with whom they feel unsafe. Further teachers can discuss with a student about their insecurities and reach out to trained counsellors if the need arises.

#### FOLLOW-UP ACTIVITY

The following questions could be discussed with the students. Teachers should try to provide solutions for the same after discussion of each question.

**Question-1.** What if someone you know touches you in a confusing way and asks you to keep it a secret?

**Question-2.** What if somebody is treating you different from other children?

**Question-3.** What if someone is making you uncomfortable by intentionally making excuses to go to secluded places with you?

**Question-4.** What if someone accidentally-on-purpose touches your private parts or brushes against your private parts deliberately or rubs their body against yours?

**Question-5.** What if someone is inappropriately looking at or touching your body making excuses like, ‘it is to see how your body is developing’?

**Question-6.** What if someone is teaching about sex education and shows pornographic pictures, or explicitly show their body parts or touches yours, which makes you uncomfortable?

**Question-7.** What if someone is passing sexual comments on your body while commenting upon how you dress?

### Activities for Middle Stage

**ACTIVITY:** What is violence?

**Aim:** To enhance the capacity of students to recognize violence

**Learning Outcomes:** Students will demonstrate a better understanding of the concept of violence.

**Time:** 35 minutes

**Methodology:** Free listing

**Note for the Facilitator:** The session is on violence and power. Children need to be sensitised to hidden forms of violence or recognise the violence when it is perpetuated in different forms and spaces. Facilitators must be sensitive that some topics may be emotionally disturbing for some students. Such students must be counselled separately. Do not impose your opinions on the students. It would also be helpful to share appropriate facts during discussions.

**Materials Needed:** Blackboard and chalk

**Task:**

- Ask students what is the first thing that comes to their mind when they hear the words “Violence” and “Harassment”.
- List down their answers on the blackboard
- From the list, ask students if they think that it is sexual violence, physical violence or emotional violence—help them by referring to what is sexual, emotional, physical violence.
- Put these down next to the examples that have been listed on the board

- Now ask the students to try and define violence.
- Help them to come out with a definition that encompasses all the points.
- Refer to your notes on the definition of violence.

#### FOLLOW-UP ACTIVITY

##### **Questions for Discussion:**

**Question-1.** What is violence according to you?

(It is any act that will cause harm (mental, physical or emotional) to another person against whom it is directed. Denial of rights of a person is also an act of violence.)

**Question-2.** What are the forms of violence?

(Physical, mental, sexual)

**Question-3.** Why do people use violence?

(People with use violence as a means to cause harm to another individual or group. Questions around power also gets manifested in acts of violence.)

**Question-4.** What forms of violence are most noticeable?

(Impact of violence which are observable and are manifested by the individual. This does not mean that individuals are not impacted if the effects are unnoticeable. Sexual violence against individuals might go unrecognised due to the attached stigma or fear.)

**Let's think together:** At the end of the discussion, re-emphasise the following points:

- Any act that results in, or is likely to result in, physical, sexual or psychological harm or suffering, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life is violence.
- Violence can be physical, emotional or sexual.
- Violence in any form is not acceptable. Ways have to be evolved to prevent or report the same.

#### Activities for Secondary Stage

**Activity:** Engaging with Role-plays

Motivate students to participate in school plays, skit or role plays around the themes of transgender concerns. They can further participate in essay writing, poster making, display board decorations, quizzes in relation to the themes. Students can come up with their own themes with the guidance of the teachers.

Some topics for exploration are as follows:

- You have a transgender student in your class. How will you create an inclusive space for all your classmates?
- Have you ever interacted with transgender people? Can you share your experiences of that interaction? If no, can you come up with some situations wherein you encounter transgender persons? How will you interact in that situation?
- Transgender persons are often labelled and bullied. If you come across such a situation, what will you do?
- If you have a close friend who is born with intersex characteristics, how will you sensitise your larger community including your peers at school for creating a gender inclusive space?

## ANNEXURE 3

### Success Stories of Transgender Persons

#### 1. Dr. Manobi Bandhopadhyay (Trans-woman), Professor and Principal at Dhola Mahavidyalaya Calcutta University

**Early life:** Dr. Manobi was born in a middle-class family in West Bengal. She struggled to come to terms with her transgender identity in a conservative and judgmental family environment. Her cousins and neighbors sexually exploited her but she continued her study, tackling every difficulty that came in between, which developed her resilience. As a student at Jadavpur University, she could move around in open-minded social circles of the university. After finishing college, she began teaching at a school and later finished her Ph.D. in Bengali Literature. She pursued a career in teaching at college level. Her travel to her workplace was filled with verbal and physical assaults. Further, her academic career also posed many challenges. She was accused of being 'a negative influence' on the students. Despite all the discrimination and harassment, Dr. Manobi stood her ground for most of the time and received ample support from her students. In her biographical memoir (*A gift of the Goddess Lakshmi*) Bandhopadhyay recalls, "*Many tell me that I have opened the gates of freedom for them.*" However, her life is a journey of 'ups and downs'. In 2015, she was appointed Principal of a college. Due to constant harassment and being labeled 'unsuitable', she resigned in 2017. Shortly after her resignation, she was reinstated and continued her academic journey.

**Achievements:** She is the Principal of Dhola Mahavidyalaya at Calcutta University and is a Professor of Bengali literature. She is also the vice chairperson of West Bengal Transgender Development Board. Dr. Manobi Bandyopadhyay has authored books about transgender community: *Ontohin Ontorin Prositovortika* (2002), *Third Gender in Bengali Society and Literature* (2012), *Amar Arjita Naritwa* (2019). She has given a befitting reply to her critiques by her acts, such as modeling for jewellery and acting in a Bengali film. She has become a role model for many. Her appointment as faculty inspired the student community to accept gender diversity. Students who faced issues related to gender identity reached out to her for support and guidance. Dr. Bandhopadhyay's story inspires transgender youth to pursue education with full vigor. She has set an example so that the transgender students are getting better acceptance in the colleges.

**2. Dr. Aqsa Shaikh** (Trans-woman) *Doctor of Community Medicine and Associate Professor* at Hamdard Institute of Medical Science and Research, Delhi

**Early life:** Dr. Aqsa Shaikh was born in Mumbai. She grew up in a low income family and struggled with identity issues ever since she was young. She was very observant of her surroundings and developed learning skills quite early in her life. Although the gender-biased stereotypical, negative reinforcements bothered her and caused mental trauma, she could learn to take those difficulties in her stride. She studied at Seth GS Medical College and KEM Hospital in Mumbai. Growing up, Dr. Shaikh suffered from severe depression and suicidal tendencies, but her motivation to pursue MBBS helped her to overcome these severe mental health issues. Following her specialisation, she moved to Delhi's Hamdard Institute of Medical Science and Research (HIMSAR) as faculty and Community Medicine specialist.

**Achievements:** Dr. Aqsa is the only transgender specialist in community medicine. She is now a senior faculty member at HIMSAR. With her medical qualification in the field of Community Medicine, she contributed to the battle against the Covid-19 pandemic as in-charge of Covid-19 surveillance at the institute's hospital. She now heads a Covid-19 vaccination centre. Dr. Aqsa is also an activist. She filed a petition at Delhi Commission for Protection of Child Rights which secured an order (in January 2021) for a ban on unnecessary sex-change surgeries on intersex children. She is on the advisory panel constituted by the Delhi government to look into transgender issues and empowerment. Further, she also writes inspiring articles, blogs, books, poetries, etc.

### **3. Padma Shree Dr. Narthaki Nataraj**

**Early life:** Nataraj was born in a remote village of Tamil Nadu in 1964. Nataraj was 10 years old when her family started noticing their son's 'effeminate' nature. Backlash and rejection from her family compelled her to leave home at the age of 11. She ran away to Thanjavur, to find Kittappa Pillai, the Bharatnatyam *guru*, who also gave her the name 'Narthaki'. While doing so she also managed to study and complete higher secondary education. Although she

wanted to study law but was denied admission at a law college because of her sexuality. For the last 30 years her life is dedicated to Bharatanatyam.

**Achievements:** She is the first transgender artiste to have received the prestigious Padma Shree award in 2019. Earlier, she had also received a Senior Fellowship from the Ministry of Culture, Government of India in 2014. She is the recipient of the Kalaimamani award, given by the Tamil Nadu government. In 2016, she received an honorary doctorate from Periyar Maniammai University. She runs the Velliambalam Trust School of Dance, a Bharatanatyam dance school in Chennai with branches in the US, UK and Norway. A major share of the Trust's earnings is dedicated to the empowerment of the transgender community in India. Presently, she is a member of the State Development Policy Council (SDPC) of the Tamil Nadu government. Her unparalleled success story has also earned her a place in the textbook for Class 11 in Tamil Nadu.

**4. Vihaan Peethambar** (Trans-man), *Expert Committee Member, National Council for Transgender Persons.*

**Early life:** Vihaan Peethambar was born in Kerala, in a well-educated middle-class family. In childhood, his family didn't bother about his behavior as they thought it to be a temporary phase. His neighbors and relatives teased him for his hair style and clothes which were seen as 'unsuitable for a girl'. Puberty was especially challenging for Vihaan. He was distressed and had a low self-esteem. He even attempted suicide as he was growing more and more depressed. Vihaan realized his identity as a trans-man in his early 20s. When he expressed it to his mother, she approached doctors and astrologers seeking help to 'cure' him. The astrologer tried to sexually harass him. Ultimately, Vihaan's mother told him to begin his transition as she could not see him depressed and suicidal. After his sisters got married, he began his medical transition. His sisters and brothers-in-law were supportive. Eventually his extended family members grew more empathetic and accepting.

**Achievements:** Vihaan began to educate state government officials in Kerala on Sexual Orientations & Gender Identities (SOGI). He worked closely with the Social Justice Department in Kerala for formulation and implementation of the State's Transgender Policy, which was modelled on the lines of NALSA Judgment. He became a board member of a support group for LGBTQIA+ persons, 'Queerala'. He has trained several private companies on inclusion and diversity. Presently, he works with Goldman Sachs as Diversity and Inclusion Associate.

Vihaan co-founded the first community-based organization for trans men in Kerala and was appointed as an expert committee member in India's first National Council for Transgender Persons in 2020. He continues to advocate for transgender and queer rights at various forums in India and globally.

## ANNEXURE 4

### THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

#### ARRANGEMENT OF SECTIONS

#### CHAPTER I

##### PRELIMINARY SECTIONS

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2. Definitions.

#### CHAPTER II

##### SEXUAL OFFENCES AGAINST CHILDREN

###### A. PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

3. Penetrative sexual assault.
4. Punishment for penetrative sexual assault.

###### B. AGGRAVATED PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

5. Aggravated penetrative sexual assault.
6. Punishment for aggravated penetrative sexual assault.

###### C. SEXUAL ASSAULT AND PUNISHMENT THEREFOR

7. Sexual assault.
8. Punishment for sexual assault.

###### D. AGGRAVATED SEXUAL ASSAULT AND PUNISHMENT THEREFOR

9. Aggravated sexual assault.
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###### E. SEXUAL HARASSMENT AND PUNISHMENT THEREFOR

11. Sexual harassment.
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#### CHAPTER III

##### USING CHILD FOR PORNOGRAPHIC PURPOSES AND PUNISHMENT THEREFOR

13. Use of child for pornographic purposes.
14. Punishment for using child for pornographic purposes.
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**CHAPTER IV****ABETMENT OF AND ATTEMPT TO COMMIT AN OFFENCE**

16. Abetment of an offence.
17. Punishment for abetment.
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**CHAPTER V****PROCEDURE FOR REPORTING OF CASES****SECTIONS**

19. Reporting of offences.
20. Obligation of media, studio and photographic facilities to report cases.
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22. Punishment for false complaint or false information.
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24. Recording of statement of a child.
25. Recording of statement of a child by Magistrate.
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29. Presumption as to certain offences.
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31. Application of Code of Criminal Procedure, 1973 to proceedings before a Special Court.
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33. Procedure and powers of Special Court.
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35. Period for recording of evidence of child and disposal of case.

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### **THE SCHEDULE**

#### **THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES**

**ACT, 2012**

**ACT NO. 32 OF 2012**

**[19th June, 2012.]**

An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.

**WHEREAS** clause (3) of article 15 of the Constitution, inter alia, empowers the State to make special provisions for children;

**AND WHEREAS**, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations, which has prescribed a set of standards to be followed by all State parties in securing the best interests of the child;

**AND WHEREAS** it is necessary for the proper development of the child that his or her right to privacy and confidentiality be protected and respected by every person by all means and through all stages of a judicial process involving the child;

**AND WHEREAS** it is imperative that the law operates in a manner that the best interest and well being of the child are regarded as being of paramount importance at every stage, to ensure the

healthy physical, emotional, intellectual and social development of the child;

**AND WHEREAS** the State parties to the Convention on the Rights of the Child are required to undertake all appropriate national, bilateral and multilateral measures to prevent—

- (a) the inducement or coercion of a child to engage in any unlawful sexual activity
- (b) the exploitative use of children in prostitution or other unlawful sexual practices;
- (c) the exploitative use of children in pornographic performances and materials;

**AND WHEREAS** sexual exploitation and sexual abuse of children are heinous crimes and need to be effectively addressed.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

## CHAPTER-I

### PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Protection of Children from Sexual Offences Act, 2012.  
(2) It extends to the whole of India, except the State of Jammu and Kashmir.  
(3) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.
2. **Definitions.**—(1) In this Act, unless the context otherwise requires, —
  - (a) “aggravated penetrative sexual assault” has the same meaning as assigned to it in section-5;
  - (b) “aggravated sexual assault” has the same meaning as assigned to it in section-9;
  - (c) “armed forces or security forces” means armed forces of the Union or security forces or police forces, as specified in the Schedule;
  - (d) “child” means any person below the age of eighteen years;
  - (e) “domestic relationship” shall have the same meaning as assigned to it in clause (f) of section-2 of the Protection of Women from Domestic Violence Act, 2005

- (f) “penetrative sexual assault” has the same meaning as assigned to it in section-3;
- (g) “prescribed” means prescribed by rules made under this Act;
- (h) “religious institution” shall have the same meaning as assigned to it in the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988).
- (i) “sexual assault” has the same meaning as assigned to it in section-7;
- (j) “sexual harassment” has the same meaning as assigned to it in section-11;
- (k) “shared household” means a household where the person charged with the offence lives or has lived at any time in a domestic relationship with the child;
- (l) “Special Court” means a court designated as such under section-28;
- (m) “Special Public Prosecutor” means a Public Prosecutor appointed under section-32.

(2) The words and expressions used herein and not defined but defined in the Indian Penal Code (45 of 1860), the Code of Criminal Procedure, 1973 (2 of 1974), the Juvenile Justice (Care and Protection of Children) Act, 2015 (56 of 2000) and the Information Technology Act, 2000 (21 of 2000) shall have the meanings respectively assigned to them in the said Codes or the Acts.

## CHAPTER II

### SEXUAL OFFENCES AGAINST CHILDREN

#### A. PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

##### 3. **Penetrative sexual assault.**—A person is said to commit “penetrative sexual assault” if—

- (a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or
- (b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

- (c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or
- (d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

**4. Punishment for penetrative sexual assault.**—Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to imprisonment for life, and shall also be liable to fine.

**B. AGGRAVATED PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR**

**5. Aggravated penetrative sexual assault.** (a) Whoever, being a police officer, commits penetrative sexual assault on a child—

- (i) within the limits of the police station or premises at which he is appointed; or
- (ii) in the premises of any station house, whether or not situated in the police station, to which he is appointed; or
- (iii) in the course of his duties or otherwise; or
- (iv) where he is known as, or identified as, a police officer; or

(b) whoever being a member of the armed forces or security forces commits penetrative sexual assault on a child—

- (i) within the limits of the area to which the person is deployed; or
- (ii) in any areas under the command of the forces or armed forces; or
- (iii) in the course of his duties or otherwise; or
- (iv) where the said person is known or identified as a member of the security or armed forces; or

(c) whoever being a public servant commits penetrative sexual assault on a child; or

(d) whoever being on the management or on the staff of a jail, remand home,

protection home, observation home, or other place of custody or care and protection established by or under any law for the time

being in force, commits penetrative sexual assault on a child, being inmate of such jail, remand home, protection home, observation home, or other place of custody or care and protection; or

- (e) whoever being on the management or staff of a hospital, whether Government or private, commits penetrative sexual assault on a child in that hospital; or
- (f) whoever being on the management or staff of an educational institution or religious institution, commits penetrative sexual assault on a child in that institution; or
- (g) whoever commits gang penetrative sexual assault on a child. Explanation.—When a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or
- (h) whoever commits penetrative sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or
- (i) whoever commits penetrative sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or
- (j) whoever commits penetrative sexual assault on a child, which—
  - (i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (b) of section 2 of the Mental Health Act, 1987 (14 of 1987) or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or
  - (ii) in the case of female child, makes the child pregnant as a consequence of sexual assault;
  - (iii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or Infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or

- (k) whoever, taking advantage of a child's mental or physical disability, commits penetrative sexual assault on the child; or
- (l) whoever commits penetrative sexual assault on the child more than once or repeatedly; or
- (m) whoever commits penetrative sexual assault on a child below twelve years; or
- (n) whoever being a relative of the child through blood or adoption or marriage or guardianship or in foster care or having a domestic relationship with a parent of the child or who is living in the same or shared household with the child, commits penetrative sexual assault on such child; or
- (o) whoever being, in the ownership, or management, or staff, of any institution providing services to the child, commits penetrative sexual assault on the child; or
- (p) whoever being in a position of trust or authority of a child commits penetrative sexual assault on the child in an institution or home of the child or anywhere else; or
- (q) whoever commits penetrative sexual assault on a child knowing the child is pregnant; or
- (r) whoever commits penetrative sexual assault on a child and attempts to murder the child; or
- (s) whoever commits penetrative sexual assault on a child in the course of communal or sectarian violence; or
- (t) whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or
- (u) whoever commits penetrative sexual assault on a child and makes the child to strip or parade naked in public, is said to commit aggravated penetrative sexual assault.

**6. Punishment for aggravated penetrative sexual assault.—** Whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

**C. SEXUAL ASSAULT AND PUNISHMENT THEREFOR**

7. **Sexual assault.**—Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.
8. Punishment for sexual assault.—Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine.

**D. AGGRAVATED SEXUAL ASSAULT AND PUNISHMENT THEREFOR**

9. Aggravated sexual assault.—(a) Whoever, being a police officer, commits sexual assault on a child—
  - (i) within the limits of the police station or premises where he is appointed; or
  - (ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or
  - (iii) in the course of his duties or otherwise; or
  - (iv) where he is known as, or identified as a police officer; or
  - (b) whoever, being a member of the armed forces or security forces, commits sexual assault on a child—
    - (i) within the limits of the area to which the person is deployed; or
    - (ii) in any areas under the command of the security or armed forces; or
    - (iii) in the course of his duties or otherwise; or
    - (iv) where he is known or identified as a member of the security or armed forces; or
    - (c) whoever being a public servant commits sexual assault on a child; or
    - (d) whoever being on the management or on the staff of a jail, or remand home or protection home or observation home, or other place of custody or care and protection established by or under any law for the time being in force commits sexual assault on a child being inmate of such jail or remand home or protection home or observation home or other place of custody or care and protection; or

- (e) whoever being on the management or staff of a hospital, whether Government or private, commits sexual assault on a child in that hospital; or
- (f) whoever being on the management or staff of an educational institution or religious institution, commits sexual assault on a child in that institution; or
- (g) whoever commits gang sexual assault on a child.

Explanation—when a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

- (h) whoever commits sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or
- (i) whoever commits sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or
- (j) whoever commits sexual assault on a child, which—
  - (i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (l) of section 2 of the Mental Health Act, 1987 (14 of 1987) or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or
  - (ii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or
- (k) whoever, taking advantage of a child's mental or physical disability, commits sexual assault on the child; or
- (l) whoever commits sexual assault on the child more than once or repeatedly; or
- (m) whoever commits sexual assault on a child below twelve years; or

- (n) whoever, being a relative of the child through blood or adoption or marriage or guardianship or in foster care, or having domestic relationship with a parent of the child, or who is living in the same or shared household with the child, commits sexual assault on such child; or
- (o) whoever, being in the ownership or management or staff, of any institution providing services to the child, commits sexual assault on the child in such institution; or
- (p) whoever, being in a position of trust or authority of a child, commits sexual assault on the child in an institution or home of the child or anywhere else; or
- (q) whoever commits sexual assault on a child knowing the child is pregnant; or
- (r) whoever commits sexual assault on a child and attempts to murder the child; or
- (s) whoever commits sexual assault on a child in the course of communal or sectarian violence; or
- (t) whoever commits sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or
- (u) whoever commits sexual assault on a child and makes the child to strip or parade naked in public, is said to commit aggravated sexual assault.

**10. Punishment for aggravated sexual assault.**—Whoever, commits aggravated sexual assault shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

#### **E. SEXUAL HARASSMENT AND PUNISHMENT THEREFOR**

**11. Sexual harassment.**—A person is said to commit sexual harassment upon a child when such person with sexual intent,—

- (i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or

- (ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or
- (iii) shows any object to a child in any form or media for pornographic purposes; or
- (iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or
- (v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or
- (vi) entices a child for pornographic purposes or gives gratification therefor. **Explanation.**—Any question which involves “sexual intent” shall be a question of fact.

**12. Punishment for sexual harassment.**—Whoever, commits sexual harassment upon a child shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

### CHAPTER III

#### USING CHILD FOR PORNOGRAPHIC PURPOSES AND \ PUNISHMENT THEREFOR

**13. Use of child for pornographic purposes.**—Whoever, uses a child in any form of media (including programme or advertisement telecast by television channels or internet or any other electronic form or printed form, whether or not such programme or advertisement is intended for personal use or for distribution), for the purposes of sexual gratification, which includes—

- (a) representation of the sexual organs of a child;
- (b) usage of a child engaged in real or simulated sexual acts (with or without penetration);
- (c) the indecent or obscene representation of a child, shall be guilty of the offence of using a child for pornographic purposes.

**Explanation.**—For the purposes of this section, the expression “use a child” shall include involving a child through any medium like print, electronic, computer or any other technology for

preparation, production, offering, transmitting, publishing, facilitation and distribution of the pornographic material.

14. Punishment for using child for pornographic purposes.—

- (1) Whoever, uses a child or children for pornographic purposes shall be punished with imprisonment of either description which may extend to five years and shall also be liable to fine and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also be liable to fine.
- (2) If the person using the child for pornographic purposes commits an offence referred to in section 3, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.
- (3) If the person using the child for pornographic purposes commits an offence referred to in section 5, by directly participating in pornographic acts, he shall be punished with rigorous imprisonment for life and shall also be liable to fine.
- (4) If the person using the child for pornographic purposes commits an offence referred to in section 7, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than six years but which may extend to eight years, and shall also be liable to fine.
- (5) If the person using the child for pornographic purposes commits an offence referred to in section 9, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than eight years but which may extend to ten years, and shall also be liable to fine.

15. Punishment for storage of pornographic material involving child.—Any person, who stores, for commercial purposes any pornographic material in any form involving a child shall be punished with imprisonment of either description which may extend to three years or with fine or with both.

## CHAPTER IV

## ABETMENT OF AND ATTEMPT TO COMMIT AN OFFENCE

**16. Abetment of an offence.**—A person abets an offence, who—  
First.—Instigates any person to do that offence; or

**Secondly.**—Engages with one or more other person or persons in any conspiracy for the doing of that offence, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that offence; or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that offence.

**Explanation I.**—A person who, by wilful misrepresentation, or by wilful concealment of a material fact, which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure a thing to be done, is said to instigate the doing of that offence.

**Explanation II.**—Whoever, either prior to or at the time of commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

**Explanation III.**—Whoever employ, harbours, receives or transports a child, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position, vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of any offence under this Act, is said to aid the doing of that act.

**17. Punishment for abetment.**—Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with punishment provided for that offence. Explanation.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

**18. Punishment for attempt to commit an offence.**—Whoever attempts to commit any offence punishable under this Act or to cause such an offence to be committed, and in such attempt, does any act towards the commission of the offence, shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one

half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence or with fine or with both.

## CHAPTER V

### PROCEDURE FOR REPORTING OF CASES

**19. Reporting of offences.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to,—

- (a) the Special Juvenile Police Unit; or
- (b) the local police.

(2) Every report given under sub-section (1) shall be—

- (a) ascribed an entry number and recorded in writing;
- (b) be read over to the informant;
- (c) shall be entered in a book to be kept by the Police Unit.

(3) Where the report under sub-section (1) is given by a child, the same shall be recorded under sub-section (2) in a simple language so that the child understands contents being recorded.

(4) In case contents are being recorded in the language not understood by the child or wherever it is deemed necessary, a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, shall be provided to the child if he fails to understand the same.

(5) Where the Special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to give him such care and protection including admitting the child into shelter home or to the nearest hospital within twenty-four hours of the report, as may be prescribed.

(6) The Special Juvenile Police Unit or local police shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or where no Special Court has been designated,

to the Court of Session, including need of the child for care and protection and steps taken in this regard.

- (7) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (1).
20. Obligation of media, studio and photographic facilities to report cases.—Any personnel of the media or hotel or lodge or hospital or club or studio or photographic facilities, by whatever name called, irrespective of the number of persons employed therein, shall, on coming across any material or object which is sexually exploitative of the child (including pornographic, sexually-related or making obscene representation of a child or children) through the use of any medium, shall provide such information to the Special Juvenile Police Unit, or to the local police, as the case may be.
21. **Punishment for failure to report or record a case.**—(1) Any person, who fails to report the commission of an offence under sub-section (1) of section 19 or section 20 or who fails to record such offence under sub-section (2) of section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or with both.  
(2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.  
(3) The provisions of sub-section (1) shall not apply to a child under this Act.
22. **Punishment for false complaint or false information.**—  
(1) Any person, who makes false complaint or provides false information against any person, in respect of an offence committed under sections 3, 5, 7 and section 9, solely with the intention to humiliate, extort or threaten or defame him, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.  
(2) Where a false complaint has been made or false information has been provided by a child, no punishment shall be imposed on such child.

(3) Whoever, not being a child, makes a false complaint or provides false information against a child, knowing it to be false, thereby victimizing such child in any of the offences under this Act, shall be punished with imprisonment, which may extend to one year or with fine or with both.

**23. Procedure for media.**—(1) No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy.

(2) No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighbourhood or any other particulars which may lead to disclosure of identity of the child: Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

(3) The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of his employee.

(4) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both.

## CHAPTER VI

### PROCEDURES FOR RECORDING STATEMENT OF THE CHILD

**24. Recording of statement of a child.**—(1) The statement of the child shall be recorded at the residence of the child or at a place where he usually resides or at the place of his choice and as far as practicable by a woman police officer not below the rank of sub-inspector.

(2) The police officer while recording the statement of the child shall not be in uniform.

(3) The police officer making the investigation, shall, while examining the child, ensure that at no point of time the child come in the contact in any way with the accused.

(4) No child shall be detained in the police station in the night for any reason.

(5) The police officer shall ensure that the identity of the child is protected from the public media, unless otherwise directed by the Special Court in the interest of the child.

**25. Recording of statement of a child by Magistrate.**—(1) If the statement of the child is being recorded under section 164 of the Code of Criminal Procedure, 1973 (2 of 1974) (herein referred to as the Code), the Magistrate recording such statement shall, notwithstanding anything contained therein, record the statement as spoken by the child: Provided that the provisions contained in the first proviso to sub-section (1) of section 164 of the Code shall, so far it permits the presence of the advocate of the accused shall not apply in this case.

(2) The Magistrate shall provide to the child and his parents or his representative, a copy of the document specified under section 207 of the Code, upon the final report being filed by the police under section 173 of that Code.

**26. Additional provisions regarding statement to be recorded.**—(1) The Magistrate or the police officer, as the case may be, shall record the statement as spoken by the child in the presence of the parents of the child or any other person in whom the child has trust or confidence.

(2) Wherever necessary, the Magistrate or the police officer, as the case may be, may take the assistance of a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, while recording the statement of the child.

(3) The Magistrate or the police officer, as the case may be, may, in the case of a child having a mental or physical disability, seek the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed, to record the statement of the child.

(4) Wherever possible, the Magistrate or the police officer, as the case may be, shall ensure that the statement of the child is also recorded by audio-video electronic means.

**27. Medical examination of a child.**—(1) The medical examination of a child in respect of whom any offence has

been committed under this Act, shall, notwithstanding that a First Information Report or complaint has not been registered for the offences under this Act, be conducted in accordance with section 164A of the Code of Criminal Procedure, 1973 (2 of 1973).

- (2) In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.
- (3) The medical examination shall be conducted in the presence of the parent of the child or any other person in whom the child reposes trust or confidence.
- (4) Where, in case the parent of the child or other person referred to in sub-section (3) cannot be present, for any reason, during the medical examination of the child, the medical examination shall be conducted in the presence of a woman nominated by the head of the medical institution.

## **CHAPTER VII**

### **SPECIAL COURTS**

**28. Designation of Special Courts.**—(1) For the purposes of providing a speedy trial, the State Government shall in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district, a Court of Session to be a Special Court to try the offences under the Act: Provided that if a Court of Session is notified as a children's court under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006) or a Special Court designated for similar purposes under any other law for the time being in force, then, such court shall be deemed to be a Special Court under this section.

- (2) While trying an offence under this Act, a Special Court shall also try an offence [other than the offence referred to in sub-section (1)], with which the accused may, under the Code of Criminal Procedure, 1973 (2 of 1974) be charged at the same trial.
- (3) The Special Court constituted under this Act, notwithstanding anything in the Information Technology Act, 2000 (21 of 2000) shall have jurisdiction to try offences under section 67B of that Act in so far as it relates to publication or transmission

of sexually explicit material depicting children in any act, or conduct or manner or facilitates abuse of children online.

29. **Presumption as to certain offences.**—Where a person is prosecuted for committing or abetting or attempting to commit any offence under sections 3, 5, 7 and section 9 of this Act, the Special Court shall presume, that such person has committed or abetted or attempted to commit the offence, as the case may be unless the contrary is proved.
30. **Presumption of culpable mental state.**—(1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.  
(2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.
- Explanation.**—In this section, “culpable mental state” includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.
31. **Application of Code of Criminal Procedure, 1973 to proceedings before a Special Court.**— Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) (including the provisions as to bail and bonds) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor.
32. **Special Public Prosecutors.**— (1) The State Government shall, by notification in the Official Gazette, appoint a Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act.  
(2) A person shall be eligible to be appointed as a Special Public Prosecutor under sub-section (1) only if he had been in practice for not less than seven years as an advocate.

(3) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973 (2 of 1974) and provision of that Code shall have effect accordingly.

## CHAPTER VIII

### PROCEDURE AND POWERS OF SPECIAL COURTS AND RECORDING OF EVIDENCE

**33. Procedure and powers of Special Court.**—(1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

(2) The Special Public Prosecutor, or as the case may be, the counsel appearing for the accused shall, while recording the examination-in-chief, cross-examination or re-examination of the child, communicate the questions to be put to the child to the Special Court which shall in turn put those questions to the child.

(3) The Special Court may, if it considers necessary, permit frequent breaks for the child during the trial.

(4) The Special Court shall create a child-friendly atmosphere by allowing a family member, a guardian, a friend or a relative, in whom the child has trust or confidence, to be present in the court.

(5) The Special Court shall ensure that the child is not called repeatedly to testify in the court.

(6) The Special Court shall not permit aggressive questioning or character assassination of the child and ensure that dignity of the child is maintained at all times during the trial.

(7) The Special Court shall ensure that the identity of the child is not disclosed at any time during the course of investigation or trial: Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the child. Explanation.— For the purposes of this sub-section, the identity of the child shall include the identity of the child's family, school,

relatives, neighbourhood or any other information by which the identity of the child may be revealed.

- (8) In appropriate cases, the Special Court may, in addition to the punishment, direct payment of such compensation as may be prescribed to the child for any physical or mental trauma caused to him or for immediate rehabilitation of such child.
- (9) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, and as far as may be, in accordance with the procedure specified in the Code of Criminal Procedure, 1973 (2 of 1974) for trial before a Court of Session.

**34. Procedure in case of commission of offence by child and determination of age by Special Court.**—(1) Where any offence under this Act is committed by a child, such child shall be dealt with under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000).

- (2) If any question arises in any proceeding before the Special Court whether a person is a child or not, such question shall be determined by the Special Court after satisfying itself about the age of such person and it shall record in writing its reasons for such determination.
- (3) No order made by the Special Court shall be deemed to be invalid merely by any subsequent proof that the age of a person as determined by it under sub-section (2) was not the correct age of that person.

**35. Period for recording of evidence of child and disposal of case.**—(1) The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court.

- (2) The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence.

**36. Child not to see accused at the time of testifying.**—(1) The Special Court shall ensure that the child is not exposed in anyway to the accused at the time of recording of the evidence, while at the same time ensuring that the accused is in a position to hear the statement of the child and communicate with his advocate.

(2) For the purposes of sub-section (1), the Special Court may record the statement of a child through video conferencing or by utilising single visibility mirrors or curtains or any other device.

**37. Trials to be conducted in camera.**—The Special Court shall try cases in camera and in the presence of the parents of the child or any other person in whom the child has trust or confidence: Provided that where the Special Court is of the opinion that the child needs to be examined at a place other than the court, it shall proceed to issue a commission in accordance with the provisions of section 284 of the Code of Criminal Procedure, 1973 (2 of 1974).

**38. Assistance of an interpreter or expert while recording evidence of child.**—(1) wherever necessary, the Court may take the assistance of a translator or interpreter having such qualifications, experience and on payment of such fees as may be prescribed, while recording the evidence of the child.

(2) If a child has a mental or physical disability, the Special Court may take the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed to record the evidence of the child.

## CHAPTER IX

### MISCELLANEOUS

**39. Guidelines for child to take assistance of experts, etc.**—

Subject to such rules as may be made in this behalf, the State Government shall prepare guidelines for use of non-governmental organisations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child.

**40. Right of child to take assistance of legal practitioner.**—Subject to the proviso to section 301 of the Code of Criminal Procedure, 1973 (2 of 1974) the family or the guardian of the child shall be entitled to the assistance of a legal counsel of their choice for any offence under this Act: Provided that if the family or the guardian of the child are unable to afford a legal counsel, the Legal Services Authority shall provide a lawyer to them.

**41. Provisions of sections 3 to 13 not to apply in certain cases.**—The provisions of sections 3 to 13 (both inclusive) shall not apply in case of medical examination or medical treatment of a child when such medical examination or medical treatment is undertaken with the consent of his parents or guardian.

**42. Alternate punishment.**—Where an act or omission constitutes an offence punishable under this Act and also under sections 166A, 354A, 354B, 354C, 354D, 370, 370A, 375, 376, 2 [376A, 376AB, 376B, 376C, 376D, 376DA, 376DB], 376E or section 509 of the Indian Penal Code (45 of 1860), then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under this Act or under the Indian Penal Code as provides for punishment which is greater in degree.

**42A. Act not in derogation of any other law.**—The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of this Act shall have overriding effect on the provisions of any such law to the extent of the inconsistency.]

**43. Public awareness about Act.**—The Central Government and every State Government, shall take all measures to ensure that—

- the provisions of this Act are given wide publicity through media including the television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act;
- the officers of the Central Government and the State Governments and other concerned persons (including

the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of the Act.

**44. Monitoring of implementation of Act.**—(1) The National Commission for Protection of Child Rights constituted under section-3, or as the case may be, the State Commission for Protection of Child Rights constituted under section-17, of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006) shall, in addition to the functions assigned to them under that Act, also monitor the implementation of the provisions of this Act in such manner as may be prescribed.

(2) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in it under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006).

(3) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, also include, its activities under this section, in the annual report referred to in section-16 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006).

**45. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the qualifications and experience of, and the fees payable to, a translator or an interpreter, a special educator or any person familiar with the manner of communication of the child or an expert in that field, under sub-section (4) of section 19; sub-sections(2) and (3) of section 26 and section-38;
- (b) care and protection and emergency medical treatment of the child under sub-section (5) of section-19;
- (c) the payment of compensation under sub-section (8) of section 33;
- (d) the manner of periodic monitoring of the provisions of the Act under sub-section (1) of section-44.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**46 Power to remove difficulties.**—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removal of the difficulty: Provided that no order shall be made under this section after the expiry of the period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

## Annexure 5

### **THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019**

[5th December, 2019.]

An Act to provide for protection of rights of transgender persons and their welfare and for matters connected therewith and incidental thereto.

Be it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

#### **CHAPTER I PRELIMINARY**

1. (1) This Act may be called the Transgender Persons (Protection of Rights) Act, 2019.  
 (2) It extends to the whole of India.  
 (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—
  - (a) “appropriate Government” means,—
    - (i) in relation to the Central Government or any establishment, wholly or substantially financed by that Government, the Central Government;
    - (ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, the State Government;
  - (b) “establishment” means—
    - (i) any body or authority established by or under a Central Act or a State Act or an authority or a body owned or controlled or aided by the Government or a local authority, or a Government company as defined in section 2 of the Companies Act, 2013, and includes a Department of the Government; or
    - (ii) any company or body corporate or association or body of individuals, firm, cooperative or other society, association, trust, agency, institution;
  - (c) “family” means a group of people related by blood or marriage or by adoption made in accordance with law;
  - (d) “inclusive education” means a system of education wherein transgender students learn together with other students without fear of discrimination, neglect,

harassment or intimidation and the system of teaching and learning is suitably adapted to meet the learning needs of such students;

- (e) “institution” means an institution, whether public or private, for the reception, care, protection, education, training or any other service of transgender persons;
- (f) “local authority” means the municipal corporation or Municipality or Panchayat or any other local body constituted under any law for the time being in force for providing municipal services or basic services, as the case may be, in respect of areas under its jurisdiction;
- (g) “National Council” means the National Council for Transgender Persons established under section-16;
- (h) “notification” means a notification published in the Official Gazette;
- (i) “person with intersex variations” means a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes or hormones from normative standard of male or female body;
- (j) “prescribed” means prescribed by rules made by the appropriate Government under this Act; and
- (k) “transgender person” means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as kinner, hijra, aravani and jogta.

## **CHAPTER II**

### **PROHIBITION AGAINST DISCRIMINATION**

3. No person or establishment shall discriminate against a transgender person on any of the following grounds, namely:—
  - (a) the denial, or discontinuation of, or unfair treatment in, educational establishments and services thereof;
  - (b) the unfair treatment in, or in relation to, employment or occupation;
  - (c) the denial of, or termination from, employment or occupation;

- (d) the denial or discontinuation of, or unfair treatment in, healthcare services;
- (e) the denial or discontinuation of, or unfair treatment with regard to, access to, or provision or enjoyment or use of any goods, accommodation, service, facility, benefit, privilege or opportunity dedicated to the use of the general public or customarily available to the public; (f) the denial or discontinuation of, or unfair treatment with regard to the right of movement; (g) the denial or discontinuation of, or unfair treatment with regard to the right to reside, purchase, rent, or otherwise occupy any property;
- (h) the denial or discontinuation of, or unfair treatment in, the opportunity to stand for or hold public or private office; and
- (i) the denial of access to, removal from, or unfair treatment in, Government or private establishment in whose care or custody a transgender person may be.

### CHAPTER III

#### RECOGNITION OF IDENTITY OF TRANSGENDER PERSONS

4. (1) A transgender person shall have a right to be recognised as such, in accordance with the provisions of this Act.  
(2) A person recognised as transgender under sub-section (1) shall have a right to self-perceived gender identity.
- 5.A Transgender person may make an application to the District Magistrate for issuing a certificate of identity as a transgender person, in such form and manner, and accompanied with such documents, as may be prescribed: Provided that in the case of a minor child, such application shall be made by a parent or guardian of such child.
6. (1) The District Magistrate shall issue to the applicant under section 5, a certificate of identity as transgender person after following such procedure and in such form and manner, within such time, as may be prescribed indicating the gender of such person as transgender. (2) The gender of transgender person shall be recorded in all official documents in accordance with certificate issued under sub-section (1).

(3) A certificate issued to a person under sub-section (1) shall confer rights and be a proof of recognition of his identity as a transgender person.

7. (1) After the issue of a certificate under sub-section (1) of section 6, if a transgender person undergoes surgery to change gender either as a male or female, such person may make an application, along with a certificate issued to that effect by the Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone surgery, to the District Magistrate for revised certificate, in such form and manner as may be prescribed.

(2) The District Magistrate shall, on receipt of an application along with the certificate issued by the Medical Superintendent or Chief Medical Officer, and on being satisfied with the correctness of such certificate, issue a certificate indicating change in gender in such form and manner and within such time, as may be prescribed.

(3) The person who has been issued a certificate of identity under section 6 or a revised certificate under sub-section (2) shall be entitled to change the first name in the birth certificate and all other official documents relating to the identity of such person: Provided that such change in gender and the issue of revised certificate under sub-section (2) shall not affect the rights and entitlements of such person under this Act.

**CHAPTER IV**  
**WELFARE MEASURES BY GOVERNMENT**

8.(1) The appropriate Government shall take steps to secure full and effective participation of transgender persons and their inclusion in society.

(2) The appropriate Government shall take such welfare measures as may be prescribed to protect the rights and interests of transgender persons, and facilitate their access to welfare schemes framed by that Government.

- (3) The appropriate Government shall formulate welfare schemes and programmes which are transgender sensitive, non-stigmatising and non-discriminatory.
- (4) The appropriate Government shall take steps for the rescue, protection and rehabilitation of transgender persons to address the needs of such persons.
- (5) The appropriate Government shall take appropriate measures to promote and protect the right of transgender persons to participate in cultural and recreational activities.

## CHAPTER V

### OBLIGATION OF ESTABLISHMENTS AND OTHER PERSONS

9. No establishment shall discriminate against any transgender person in any matter relating to employment including, but not limited to, recruitment, promotion and other related issues.
10. Every establishment shall ensure compliance with the provisions of this Act and provide such facilities to transgender persons as may be prescribed.
11. Every establishment shall designate a person to be a complaint officer to deal with the complaints relating to violation of the provisions of this Act.
12. (1) No child shall be separated from parents or immediate family on the ground of being a transgender, except on an order of a competent court, in the interest of such child.
- (2) Every transgender person shall have—
  - (a) a right to reside in the household where parent or immediate family members reside;
  - (b) a right not to be excluded from such household or any part thereof; and
  - (c) a right to enjoy and use the facilities of such household in a non-discriminatory manner.

(3) Where any parent or a member of his immediate family is unable to take care of a transgender, the competent court shall by an order direct such person to be placed in rehabilitation centre.

**CHAPTER VI****EDUCATION, SOCIAL SECURITY AND HEALTH OF  
TRANSGENDER PERSONS**

13. Every educational institution funded or recognised by the appropriate Government shall provide inclusive education and opportunities for sports, recreation and leisure activities to transgender persons without discrimination on an equal basis with others.
14. The appropriate Government shall formulate welfare schemes and programmes to facilitate and support livelihood for transgender persons including their vocational training and self-employment.
15. The appropriate Government shall take the following measures in relation to transgender persons, namely:—
  - (a) to set up separate human immunodeficiency virus Sero-surveillance Centres to conduct sero-surveillance for such persons in accordance with the guidelines issued by the National AIDS Control Organisation in this behalf;
  - (b) to provide for medical care facility including sex reassignment surgery and hormonal therapy;
  - (c) before and after sex reassignment surgery and hormonal therapy counselling;
  - (d) bring out a Health Manual related to sex reassignment surgery in accordance with the World Profession Association for Transgender Health guidelines;
  - (e) review of medical curriculum and research for doctors to address their specific health issues;
  - (f) to facilitate access to transgender persons in hospitals and other healthcare institutions and centres;
  - (g) provision for coverage of medical expenses by a comprehensive insurance scheme for Sex Reassignment Surgery, hormonal therapy, laser therapy or any other health issues of transgender persons.

**CHAPTER VII****NATIONAL COUNCIL FOR TRANSGENDER PERSONS**

16. (1) The Central Government shall by notification constitute a National Council for Transgender Persons to exercise the

powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The National Council shall consist of—

- (a) the Union Minister in-charge of the Ministry of Social Justice and Empowerment, Chairperson, ex officio;
- (b) the Minister of State, in-charge of the Ministry of Social Justice and Empowerment in the Government, Vice-Chairperson, ex officio;
- (c) Secretary to the Government of India in-charge of the Ministry of Social Justice and Empowerment, Member, ex officio;
- (d) one representative each from the Ministries of Health and Family Welfare, Home Affairs, Housing and Urban Affairs, Minority Affairs, Human Resources Development, Rural Development, Labour and Employment and Departments of Legal Affairs, Pensions and Pensioners Welfare and National Institute for Transforming India Aayog, not below the rank of Joint Secretaries to the Government of India, Members, ex officio;
- (e) one representative each from the National Human Rights Commission and National Commission for Women, not below the rank of Joint Secretaries to the Government of India, Members, ex officio;
- (f) representatives of the State Governments and Union territories by rotation, one each from the North, South, East, West and North-East regions, to be nominated by the Central Government, Members, ex officio;
- (g) five representatives of transgender community, by rotation, from the State Governments and Union territories, one each from the North, South, East, West and North-East regions, to be nominated by the Central Government, Members;
- (h) five experts, to represent non-governmental organisations or associations, working for the welfare of transgender persons, to be nominated by the Central Government, Members; and (i) Joint Secretary to the Government of India

in the Ministry of Social Justice and Empowerment dealing with the welfare of the transgender persons, Member Secretary, ex officio.

(3) A Member of National Council, other than ex officio member, shall hold office for a term of three years from the date of his nomination.

17. The National Council shall perform the following functions, namely:—

- (a) to advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender persons;
- (b) to monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of transgender persons;
- (c) to review and coordinate the activities of all the departments of Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to transgender persons;
- (d) to redress the grievances of transgender persons; and
- (e) to perform such other functions as may be prescribed by the Central Government.

## CHAPTER VIII

### OFFENCES AND PENALTIES

18. Whoever,—

- (a) compels or entices a transgender person to indulge in the act of forced or bonded labour other than any compulsory service for public purposes imposed by Government;
- (b) denies a transgender person the right of passage to a public place or obstructs such person from using or having access to a public place to which other members have access to or a right to use;
- (c) forces or causes a transgender person to leave household, village or other place of residence; and
- (d) harms or injures or endangers the life, safety, health or well-being, whether mental or physical, of a transgender

person or tends to do acts including causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine.

### **CHAPTER IX**

#### **MISCELLANEOUS**

19. The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, credit such sums to the National Council as may be necessary for carrying out the purposes of this Act.
20. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.
21. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any local authority or any officer of the Government in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act and any rules made thereunder.
22. (1) The appropriate Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.  
(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
  - (a) the form and manner in which an application shall be made under section-5;
  - (b) the procedure, form and manner and the period within which a certificate of identity is issued under sub-section (1) of section-6;
  - (c) the form and manner in which an application shall be made under sub-section (1) of section-7;
  - (d) the form, period and manner for issuing revised certificate under sub-section (2) of section-7;
  - (e) welfare measures to be provided under sub-section (2) of section-8;
  - (f) facilities to be provided under section-10;

- (g) other functions of the National Council under clause (e) of section-17; and
- (h) any other matter which is required to be or may be prescribed.

(3) Every rule made by the Central Government under sub-section (1), shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by the State Government under sub-section (1), shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such legislature consists of one House, before that House.

23. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

DR. G. NARAYANA RAJU,  
Secretary to the Govt. of India.

## Annexure 6

### Scheme SWEETKRUTI

#### a. Assistance to Parents of Transgender Students

##### **Supportive money**

Awareness and information is needed among parents/ guardians to support their gender-nonconforming or transgender children, setting aside their discomfort and deeply held normative attitudes. Parents should be alert to the risk of the children facing bullying and other violence outside the home — in the extended family, at schools, on the playground, and support them accordingly. They also need to take cognizance of the escalation in stress and discrimination faced by a transgender child as he/she grows into adolescence. Counselling and other mental health services that affirm the child's gender identity are needed for the child as well as their parents. Support groups help parents to (i) overcome misconceptions, understand the difference between sex, sexuality, gender, and intersex variations (ii) realize that they, as parents, are not alone (iii) that their children's gender-nonconformity is not the result of bad parenting (iv) be able to work through their negative feelings of anger, disbelief, shock, or disappointment in a safe space. Additionally, existing forums such as the Anganwadi Centres, Self-Help Groups and Bharat Nirman Volunteers (BNVs) may be oriented on transgender issues, and involved in providing information to parents of transgender youth.

Financial assistance will be provided to the parents of transgender children in order to support such parents in successfully bringing up their transgender children against societal intolerance, stigma, discrimination and violence. It shall also act as a feeder program for the component of pre and post matric scholarship.

##### **Eligibility**

For purpose of claiming financial assistance, the following criteria shall apply:

1. Parent must certify on an affidavit that they have a child showing gender non-conforming behaviour.
2. The age of the child is less than 18 Years.
3. In case of death of the parent, supportive money will be made available to the guardian subject to production of the relevant Certificate of guardianship obtained from Competent Authority.

**Extent of Assistance**

The assistance under the head will be provided to parent at the rate of Rs 1000/- (rupees one thousand only) per transgender child per month and can be paid till the child attains the age of 18 years.

**b. Pre and Post Matric Scholarship**

The objective of the component is to provide financial assistance to the Transgender students studying at post matriculation or post-secondary stage to enable them to complete their education. These scholarships are available to transgender students of Odisha for studies in India only and are awarded where the applicant is studying.

**a) Scholarship**

1. The students desirous to avail the scholarship shall submit applications in prescribed format to the DSSO with certification/recommendation by head of the educational institutions.
2. Under this scheme students so eligible will get a scholarship for a maximum period of 10 months in an academic year. The students are availing scholarship from either the Central or State Govt. under any other scheme shall not be considered.

**3. Rate of scholarship**

S.No.	Category	Rate/PM
1.	Pre-Matric (From Std. V to X)	800
2.	Post-Matric (From Std. XI –XII)	1,000
3.	General Graduate/ Post Graduate Courses	1,500
4.	Professional Degrees/ Diplomas/ Certificates	2,000
5.	Open University/ Non-formal Courses	2,500

4. The DSSOs will scrutinize the applications and shall submit requirements of funds to the Department by the end of September. After receipt of the funds DSSOs will remit the scholarship to the accounts of the students with the approval of the Collector.
5. The scholarship required will be remitted in advance for one year in question and roll over to the next academic session.
6. The utilization certificate on the expenditure shall be submitted by the DSSO along with proof of remittance with due counter

signature of the Collector to the Department by 28th February of each year.

7. Efforts should be made to utilize funds in the same year. In exigencies the undisbursed balance amount should be rolled over for next year payment and shall be utilized first.

#### **Conditions of Eligibility**

For the purpose of award of scholarship under the scheme, applications can be submitted subject to fulfilling the following conditions.

1. The applicant is a bona fide resident of Orissa.
2. The applicant is a regular student of recognized educational institutions.
3. The applicant shall has family income of not more than Rs. 2, 40,000/- per annum.
4. The applicant does not receive any financial assistance from the State Govt./ Central Govt. under any other scheme.

**DRAFT**

## GLOSSARY OF TERMS

**Aravani:** The term for hijras in Tamil Nadu. They identify themselves as women trapped in male bodies, although many aravonis would prefer to be called 'Thirunangi'.

**Cisgender:** This is an adjective for those individuals whose gender identity is same as their sex assigned at birth.

**Gender:** While sex is determined biologically, gender is a social construct as is based on the social norms for males and females which are differential and often perpetuate unequal power relations in the society.

**Gender Affirmation:** Refers to the steps some transgender persons might take in order to change their gender expression, physical appearance or sex characteristics to align more closely with their gender identity.

**Gender Expression:** Refers to how an individual expresses their gender through clothes, behaviour, voice, gait, etc. (WHO, 2016).

**Gender Identity:** Refers to one's personal sense of their gender, the gender with which they identify themselves with. It can correlate with a person's assigned sex at birth or can be different.

**Gender Norms:** These are socio-culturally defined sets of roles, responsibilities, rights, entitlements, obligations and expected behaviour, associated with being a male or a female and are often responsible for creating inequalities and power imbalances in various personal and social spaces.

**Hijra:** Traditional socio-cultural trans-feminine identity in central and northern India and Bangladesh. These are people born males but reject their male identity to identify either as women, or not-men or in-between man and woman, or neither man nor woman and join membership with jamaat communities/gharanas. Also includes kothi, janana, and panthi identities.

**Homophobia:** Negative attitude or feelings towards homosexuality or people who identify as gender queer.

**Kinner:** This is a term used by many transgender persons in north India, also in states like Maharashtra.

**Sex:** It is the biological trait that determines whether the living thing has male or female reproductive systems. It is genetically determined.

**Transgender:** a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as kinner, hijra, aravani and jogta.

**Trans-man (adj. Trans-masculine):** Person who was assigned female at birth but identifies with male/masculine gender. They may change (or feel the need to do so) their body to look male/masculine. They are also called Female-to-Male transitioned transgender.

**Trans-woman (adj. Trans-feminine):** person who was assigned male at birth but identifies with female/ feminine gender. They may change (or feel the need to do so) their body to look female/feminine. They are also called Male-to-Female transitioned transgender.

**Trans-phobia (or Transnegativity):** Refers to the discomfort, fear and/or hatred of transgender and gender-nonconforming people.



**GLOSSARY**

**DRAFT**



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